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ABSTRACT

The relationship between faculty bargaining and the loss of institutional autonomy is explored by examining the collective bargaining experience of the Pennsylvania State College and University system. The study is chronological, tracing the theme through three stages: (1) the governance of the state system before collective bargaining (1960-71); (2) the initial experience with faculty bargaining (1971-74); and (3) financial pressures and retrenchment (1975-76). An overview is given of the growth of state controls over higher education and faculty bargaining. Appended is the table of contents of the collective bargaining agreement between the faculty bargaining agent and the Commonwealth of Pennsylvania. (MSE)

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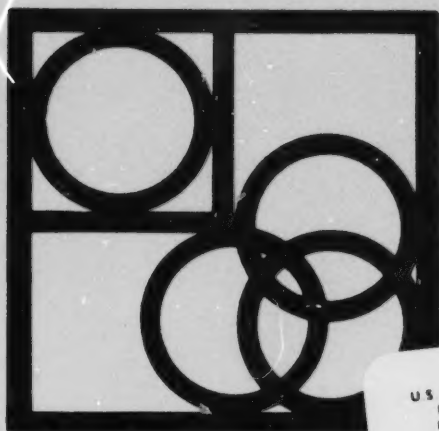
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Mark D. Johnson
Kenneth P. Mortimer

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University Park, Pennsylvania

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CHAPTER I INTRODUCTION

The Growth of State Controls over Higher Education and the Development of Faculty Collective Bargaining

Two of the most important recent trends in the governance of public institutions of higher education in America are the expanding governance role of state governments and the growth of faculty collective bargaining. The purpose of this monograph is to explore the relationship between faculty bargaining and the loss of institutional autonomy by examining the experience with faculty bargaining in one state higher education subsystem—the Pennsylvania State College and University system.¹

The expanding role of state governments in higher education governance may be traced back to the 1950s. In 1949 there were twenty-eight states with no statewide agency for coordinating higher education. By 1969 there were only two. Before 1950, only one state had developed a state master plan for higher education. By 1969, all but twelve states had master plans (Halstead, 1974, pp. 7-10). Despite early institutional concerns over the growth of state coordination, however, the period between 1950 and 1970 was primarily one of public support for higher education. The number of colleges and universities almost doubled during this period; higher education enrollments increased from 2.3 to over nine million; and during the 1960s alone, state expenditures for higher education were increased by 337 percent (Blocker et al., 1975, p. 16 and Budig, 1970b, p. 9).

¹The thirteen Pennsylvania state colleges and Indiana University of Pennsylvania are not formally a "system." i.e., they do not currently (May 1977) have a central administrative structure. However, their faculties bargain collectively on a systemwide basis; their appropriations are awarded to them as a group; the state department of education treats them as a system in state level planning; and there has been legislation under consideration since 1973 to create a central governing board and administrative structure. The term "system" is therefore employed in the generic sense to refer to a group of institutions with many interlocking processes and functions.

The 1970s have witnessed a change in the environment of the previous decade. There has been a decline in the birth rate and an anticipation of leveling higher education enrollments. The job market for college graduates has declined and with it public confidence in the ability of higher education to assure employment and upward mobility. No less important are the changes in state level priorities and public pressures to hold the line on taxes in a period of inflation (Corson, 1975, p. 3 and Glenny, 1972b, pp. 45-46).

Under these conditions state controls, most of which actually predate the 1970s, appear to have become more serious threats to institutional autonomy than they were during the growth period of the 1960s. As suggested by the Carnegie Commission (1971), the states have always had the authority to govern public institutions of higher education, but they have not always exercised that authority. Recent indications are that these circumstances are gradually changing. Folger (1976) reports that since 1970 five states have replaced their coordinating boards with statewide governing boards, and nine others have taken steps to increase the powers of existing agencies. It is evident that higher education is now experiencing a period of relative austerity and increasing state controls.

Faculty collective bargaining is actually part of a much larger social phenomenon—i.e., the development of public employee bargaining at the state and federal levels since the 1960s. Faculty unionization first occurred at Milwaukee Technical Institute (Wisconsin) in 1963 (Garbarino, 1975a, p. 51). As of February 1977, there were 550 unionized college and university campuses in the United States ("Special Report No. 12." 1977).

The incidence of faculty unionization may be characterized along at least three major dimensions: chronology, types of institutions, and the number of faculty involved. The chronology of faculty unionization indicates that faculty collective bargaining is primarily a phenomenon of the 1970s. Of the 550 campuses unionized as of February 1977, 420 campuses (76 percent) have adopted faculty bargaining since 1970 (Kemerer and Baldrige, 1975, p. 1).

With respect to institutional types, 476 (87 percent) of the 550 campuses presently unionized are publicly controlled. These 476 campuses represent approximately 36 percent of the 1,313 public

campuses in the United States (*A Classification of Institutions*, 1973, p. 6). Of the 476 unionized public campuses, 319 (67 percent) are public two-year institutions. At the opposite end of the institutional spectrum, there are only ten unionized public institutions that are classified by the Carnegie Commission (*A Classification of Institutions*, 1973) as "research universities."²

As of December 1976, there were 117,000 faculty covered by collective bargaining contracts (Garbarino, 1976). The American Council on Education (1975, p. 137) reports that there are 625,000 "resident education faculty" in the United States—441,000 (70 percent) of whom are employed by publicly controlled institutions. It can be estimated, then, that possibly one-quarter of the faculty in public sector higher education are now represented by collective bargaining agents.

Despite the coincidence of increasing state controls and faculty bargaining in the public sector, there has been little empirical investigation of the involvement of state agencies in the collective bargaining process. The literature on faculty bargaining has focused primarily on its consequences for "intramural" (campus or institutional governance (Ladd and Lipset, 1973, p. 1). The literature on state-institutional governance relationships has focused primarily on the formal structural relationships between institutional administrators and agencies of the state. The intent of the present study is to contribute to our knowledge of state-institutional governance relationships under faculty collective bargaining.

Outline of the Study

The organization of the report is basically chronological. In general, the collective bargaining process involves at least six major stages: the prebargaining status quo; the enactment of enabling

²The City University of New York Graduate Center, Florida State University, Rutgers University, The State University of New York at Buffalo, Temple University, The University of Cincinnati, The University of Florida, The University of Hawaii, The University of Massachusetts, and Wayne State University.

legislation; the definition of the employer and the bargaining unit; the collective bargaining agent election; contract negotiations; and contract implementation or administration. Also of central interest to this investigation are the *roles* of the various participants in the governance process at each stage of the collective bargaining process. The following chapters are therefore a complex quilt work of collective bargaining stages and participant roles in which the authors focus on the participants that have played the key roles at each stage of the process.

Chapter II provides an overview of prebargaining governance relationships in the Pennsylvania state college system and briefly describes the background and nature of Pennsylvania Act 195 of 1970.

Chapter III focuses on the initial experience of the Pennsylvania state colleges with collective bargaining (1971-74). This chapter covers the organizing campaign, the election, and negotiations for the first (1972) and second (1974) faculty contracts. The authors examine the initial impacts of collective bargaining on state college governance at both the campus and systemwide levels.

Chapter IV examines the period from 1975 to 1976. In early 1975, the governor made a substantial cut (\$16.7 million) in the state college budget request for 1975-1976. In response, the Department of Education determined that the only way to meet the anticipated budgetary deficit was to initiate retrenchment in the state colleges. Between spring 1975 and spring 1976, the major activities of the parties to the collective bargaining relationship were discussions over retrenchment and salary negotiations, both of which are discussed in this chapter. The authors also discuss the Department of Education's planning efforts for the state colleges during 1975 and 1976. The final section of the chapter concerns the period from spring 1976 to fall 1976, a period which the authors characterize as an "interregnum."

Chapter V presents the summary and conclusions of the study. The final field work for this study was completed in November 1976. As such, the formal cut-off of the study is fall 1976. To the extent that the authors have been able to monitor events since November 1976, via the press and selected follow-up telephone

interviews, some information is provided on events that occurred during the first six months of 1977.

CHAPTER II

THE GOVERNANCE OF THE STATE COLLEGE SYSTEM BEFORE COLLECTIVE BARGAINING (1960-1971)

As indicated in Chapter I, the purpose of this monograph is to examine the consequences of faculty collective bargaining for the governance of the Pennsylvania State College and University system—with special emphasis on the governance relationship between the campuses and the state government. Such an endeavor requires an understanding of the *status quo ante*. This chapter reviews the evolution of prebargaining governance relationships through 1971. After a brief discussion of the origins and early history of the colleges, the chapter examines their transition from teachers colleges to multi-purpose state college in 1961; the creation of the State Board of Education in 1963; the 1967 Master Plan for Higher Education in Pennsylvania; the "State College Autonomy Act" (Act 13) of 1970; the 1971 Master Plan for Higher Education in Pennsylvania; internal state college governance during the 1960s; trends in state college governance in 1970-71; and the background and major provisions of the Pennsylvania Employee Relations Act (Act 195) of 1970.

Background

The thirteen Pennsylvania state colleges and Indiana University of Pennsylvania originated as privately owned normal schools during the second half of the nineteenth century. Between 1913 and 1922, the state purchased and assumed control of each of these institutions. During the decade that followed, the normal schools were converted to state teachers colleges with the power to grant the baccalaureate degree (Sack, 1963, pp. 525-546). The colleges' primary function through the 1950s was to provide the state's basic school system with qualified teachers.

As of 1960, the colleges' systemwide governance structure included the State Council on Education, the Department of Public Instruction, and the Board of Presidents of State Teachers Colleges. The State Council on Education, founded in 1923, was a board of

professional educators responsible for advising the state government on matters of educational policy (Quatroche, 1975, pp. 20-24). Because of their teacher education function, the teachers colleges had been governed since the 1920s by the Pennsylvania School Code (General Assembly, *Act 14*, 1949). As such, responsibility for the administration and regulation of the colleges fell directly to the superintendent of public instruction. Moreover, as institutions directly under the control of the state government, the colleges were subject to administrative and fiscal controls by many other state agencies, including the governor's office, the legislature, the budget office, and the Department of Property and Supplies (McGrath, 1965, pp. 9-10).

The Board of Presidents of State Teachers Colleges was formed in 1925 as the Board of Normal School Principals. Although the board fell under the formal jurisdiction of the superintendent of public instruction, it played an important role in governing the colleges. The board's minutes during the 1950s and 1960s indicate that the board dealt in considerable detail with personnel, financial, curricular, and instructional policies.

Each of the colleges also had a board of trustees whose members were appointed by the governor. Their primary responsibilities were presidential searches, public and community relations, reviewing annual college budget proposals, and approving major expenditures. McGrath (1965, p. 16) suggests, however, that their only significant role in the governance of the colleges was the selection of presidential candidates. Internally, the teachers colleges were governed in an autocratic fashion. There were few formal mechanisms for faculty participation in collegewide governance prior to the 1960s. According to a faculty respondent, the local chapter of the American Association of University Professors (AAUP) on his campus continued to meet clandestinely through 1965, for fear of administrative reprisal.

As chronicled in the sections that follow, the decade of the 1960s was a period of significant change for the Pennsylvania state colleges. As the demand for low cost higher education began to increase around 1960, the teachers colleges were converted to multi-purpose state colleges. Their curricula were diversified. Their student

population and teaching staff were expanded. The state's financial commitment to the colleges was increased by over 500 percent between 1960-1969 (Chambers, 1970, p. 329). The state college at Indiana, Pennsylvania, was converted by legislation to a state university in 1966.

During the same period, it was determined that higher education was becoming too important a public policy issue to be entrusted solely to the professional bureaucracy of the Department of Public Instruction. A new lay State Board of Education was created and was charged, in part, with the development of a state master plan for higher education. As the state colleges expanded in function and size, pressures emerged to give the faculty a more formal voice in internal governance and to grant the individual colleges greater administrative and fiscal autonomy from the state bureaucracy.

The Transition to Multipurpose State Colleges

The impetus for the state's commitment to an expansion of public higher education during the 1960s may be traced to the reports of three state-level commissions created to advise the governor and the legislature on educational policy between 1955 and 1961 (Governor's Commission, 1957, p. 3; *Higher Education in Pennsylvania*, 1959; and Governor's Committee, 1961b). The major thrust of all three reports, in the area of higher education, was that Pennsylvania did not have an adequate state system of low cost public higher education and that there was no adequate mechanism for coordinating an expanded state higher education system.

The last of the three committees, the "Lawrence Committee" (named after the governor who appointed them), stressed that the major problem in the area of higher education was to accommodate the large number of students who would seek a college education during the 1960s (Governor's Committee, 1961b, p. 22). The committee's report suggested that the state teachers colleges represented the best existing base for expansion of higher education opportunities; that these institutions should be converted immediately to multipurpose colleges; and that the state should also

develop a system of community colleges (pp. 25-26). Finally, the committee recommended a separate higher education board, within the State Council on Education, to be charged with planning and coordinating the state's higher education system (pp. 30-31).

The legislature responded quickly to the committee's recommendations concerning the expansion of public higher education opportunities in Pennsylvania. In late 1961, the legislature enacted a statute providing for the expansion of the state teachers colleges into multipurpose state colleges (General Assembly, Act 552, 1961). In 1962, the State Council on Education approved a proposal to establish a community college system which subsequently became the Community College Act of 1963 (Quatroche, 1975, pp. 28-29). While there was also considerable support for the creation of a state higher education board, there was resistance to the continuation of and/or augmentation of the State Council on Education, which was perceived to be dominated by the professional education community because of its ties with the Department of Public Instruction. As a result, the drive to establish a separate higher education board took place amidst efforts to create a new and independent state board of education.

The State Board of Education

During his gubernatorial campaign in 1962, William Scranton promised to create a separate council on higher education, independent from the Department of Public Instruction. Following Scranton's inauguration, a drafting committee was established which excluded the superintendent of public instruction and the president of the State Council on Education.

While there were many who advocated the creation of a separate board of higher education, others argued that responsibility for both basic and higher education should be maintained under the jurisdiction of a single state board. The ultimate solution, embodied in Act 94 of 1963, was a compromise. Act 94 created a lay state board of education within which there would be separate "councils" of basic and higher education. The Department of Public Instruction would provide administrative services for the board, and the super-

intendent of public instruction would serve as its chief executive. The responsibilities of the Council of Higher Education included master planning, budget review, and the establishment of standards for new public institutions as well as for all higher education building projects.

The intent of Act 94 was to create a lay board which had authority over the superintendent of public instruction (Quatroche, 1975, p. 36). However, the board's influence over the chief state school officer was weakened by the fact that the superintendent was a gubernatorial appointee and the board had to rely on the services of the Department of Public Instruction for staff support (Academy for Educational Development, 1965, p. 26). Indeed, one of the consequences of Act 94 was the expansion of the higher education function within the Department of Public Instruction. In 1966, separate offices of basic and higher education were created within the department in order to parallel the structure of the new state board. Frederick Miller, former president of Lebanon Valley College, was appointed the state's first commissioner of higher education.

During the same period (mid-1960s), the state colleges were experiencing unprecedented growth. However, there were a number of developments during this period which conflicted with the colleges' long term interests in increased autonomy, functional diversification, and expansion of graduate programs. Increased state-level coordination seemed inevitable with the creation of the State Board of Education and the Council of Higher Education as well as the expansion of the higher education staff in the Department of Public Instruction. The creation of fourteen community colleges between 1964 and 1971 was ultimately to limit the state colleges' role in occupational education. In 1965 and 1966, respectively, Temple University and the University of Pittsburgh became "state-related" universities, ultimately curtailing the expansion of the state colleges into doctoral education. Although Indiana State College was granted university status in December 1965, Indiana has remained and probably will continue to be the only state college to achieve that goal. The 1967 master plan for higher education, discussed below, did speak to the issue of state college autonomy, but it also

emphasized the need for state coordination and for an efficient division of labor within the state "system" of higher education.

The 1967 Master Plan for Higher Education in Pennsylvania

In 1965, the Council of Higher Education began to work on the state's first higher education master plan. Their first step was to commission four external studies of higher education in Pennsylvania. One of these studies is of particular interest in the present context. The study was a consultant report by Earl J. McGrath (1965), entitled "The Organization of the State Colleges Within the Commonwealth of Pennsylvania." McGrath identified three major problems: First, the state colleges lacked a unified voice in the determination of state higher education policy (pp. 3-4). Second, policy-making responsibilities for the state colleges was scattered, and the relationship between the State Board of Education and the board of presidents of the state colleges was ambiguous (p. 4). Third, the state colleges were subject to excessive bureaucratic and political interference from the state capital (p. 5). McGrath recommended the creation of a separate state board of higher education with its own secretariat, the dissolution of the board of presidents, and provision for greater administrative and fiscal autonomy at the institutional level (pp. 13-20; see also Academy for Educational Development, 1965, pp. 8-9, 17, 26-27, and 57).

Following a period of deliberation and consultation with the state's higher education community, the State Board of Education submitted its first higher education master plan to the governor and the general assembly in January 1967. The master plan proposed the establishment of a "Commonwealth system of higher education," to include the state colleges, the community colleges, and the three state-related universities. Within this framework, the master plan proposed that the primary responsibility of the state colleges should be baccalaureate education. The plan also recommended the establishment of a single state college and university board of trustees and the abolition of the board of presidents and the boards of trustees of the individual institutions. It was further recommended that the responsibilities of the individual college presidents

be specified, with a view toward establishing a more "reasonable" level of administrative and fiscal autonomy at the college level (*Master Plan*, 1967, pp. 33-34).

Pennsylvania Act 13 of 1970: "The State College Autonomy Act"

Following the publication of the 1967 master plan, a group of state legislators, including John Pittenger (who was later appointed secretary of education), became interested in the state board's proposals concerning the governance of the state colleges and university. Pittenger recalls that he and his colleagues were particularly interested in reducing the role of the Department of Public Instruction (renamed the Pennsylvania Department of Education in 1969) in the day-to-day administration of the state colleges and university so that the department could devote more of its energies to making state educational policy. Support for the master plan proposals concerning state college governance also came from a coalition of state college faculty, trustee, and student associations called the Association of State College Organizations (ASCO). ASCO conducted a major lobbying effort during the late 1960s to promote legislation that would create a central state college and university board with its own staff, independent of the department of education.

Act 13, which became law in February 1970, reflected the two major recommendations of the 1967 master plan with regard to state college governance. That is, it established a central state college and university board, and it specified the powers and duties of the state college presidents. The new Board of State College and University Directors (BSCUD) was given general responsibility for planning and coordinating the state college "system" and for establishing broad fiscal, educational, and personnel policies subject to the regulation of the State Board of Education. The powers and duties of the presidents would include the appointment of all personnel, the fixing of all salaries, preparation of annual operating and capital budgets, the allocation of college revenues, and a variety of other administrative actions, some of which had previously required clearance by the department of education.

Act 13 did not follow all of the recommendations of the master plan. For example, the act retained the board of presidents and the boards of trustees of the individual institutions. However, the role of the board of presidents was significantly diminished by the creation of the BSCUD, under which the board of presidents would now serve in an advisory capacity. The act authorized the BSCUD to employ its own staff, but funds have never been appropriated for this purpose.

Although Act 13 was enacted almost a year before the faculty collective bargaining petition (January 1971) and over two years before the ratification of the first contract, the process of implementing Act 13 had not proceeded very far at the time collective bargaining was adopted. The BSCUD did not have its first meeting until January 1971, and it never had time to establish itself in its intended role before the collective bargaining process was set in motion. The implementation of the provisions of Act 13 concerning presidential duties and powers was an even more extended process (BSCUD, *Minutes*, July 20, 1972). As explained in greater detail in Chapters V and VI, collective bargaining has done much to preempt both the intended role of the BSCUD and the plan for greater state college autonomy outlined in Act 13.

The 1971 Master Plan for Higher Education in Pennsylvania

The last major event in the development of state higher education policy prior to the adoption of collective bargaining in the state colleges was the completion of the 1971 master plan (actually a revision of the 1967 master plan). One of the major concerns in 1971 was the financial plight of Pennsylvania's private colleges and universities (Quatroche, 1975, p. 79). In contrast to the 1967 master plan, which advocated a primary commitment to the state's public institutions of higher education, the 1971 plan called for an "integrated" Commonwealth system of higher education, to include the state's private colleges and universities, as well as a variety of proprietary institutions which were now recognized as serving an important function in providing the state with technically skilled manpower.

The financial priorities outlined in the new master plan addressed the dual objectives of maximizing educational opportunity while at the same time holding down costs. The first priority proposed in the master plan was an increase in student aid to help fill existing vacancies in private institutions. The second priority was the expansion of the community college system. Following in third place was the expansion of the state colleges and the state-related universities "as necessary," with an emphasis on the provision of adequate opportunities for upper division studies (*Master Plan*, 1971, pp. 35-37). The 1971 master plan symbolized the end of a period of significant growth for Pennsylvania's public institutions of higher education, particularly for the state colleges.

Developments in Internal State College and University Governance During the 1960s

As previously noted, the internal governance of each of the Pennsylvania State Colleges and University before 1960 was characterized by a high level of centralization and administrative dominance. Although changes in this pattern were slow in coming, the functional diversification of the state colleges and the expansion of their faculties during the 1960s brought with it increasing faculty demands for a more formal voice in institutional governance.

Although local faculty associations began to assert themselves on some campuses during the early 1960s, most of the noteworthy gains in faculty governance activity occurred after 1965. Between 1965 and 1970, almost all of the colleges developed a faculty senate or council as a mechanism for faculty participation at least in the areas of curriculum and student affairs. Although the initial impetus for the creation of these organizations often came from faculty activists, many senates were ultimately the products of administrative initiatives. The period from 1965 to 1972 witnessed a complete turnover among the state college presidents (Board of Presidents, *Proceedings*, 1965-1972). Many of the new presidents came from situations in which formal faculty participation had already developed, and they were not conditioned to the tradition of administrative dominance in their new institutions.

The problem with administrative sponsorship of faculty senates was that many of the more radical faculty among the state colleges viewed the new senate organizations as administrative devices intended to preempt more radical forms of faculty activism. For a variety of reasons, then, the prebargaining faculty senates in the state colleges were relatively weak organizations. They were viewed by most administrators as purely advisory mechanisms and by some faculty as obstacles to more meaningful participation in governance.

In a study of governance in three of Pennsylvania's state colleges just prior to collective bargaining, Manuel Gunne (1974) characterized the state colleges as "bureaucratic collegiums." Their governance structures were characterized by "administrative primacy" in most decision areas.¹ Faculty were consulted fairly regularly in academic matters but "decisive authority" resided with the campus administrations (p. 192). However, Gunne also noted a trend toward increased faculty participation in decision making—a trend more evident in some colleges than others. He attributed these variations in the development of faculty participation to the administrative styles of the various presidents (pp. 210-212). As will be seen in the next chapter, this variability in internal governance relationships has carried over into the collective bargaining era.

Trends in State College Governance in 1970-1971

As suggested above, the governance of the Pennsylvania State College and University system was in a state of evolution during the 1960s. The same statement can be made about the two years immediately before the state college faculty voted to unionize (1970-1971). An understanding of this two-year period is particularly

¹ In his analysis of governance patterns in the Pennsylvania state colleges, Gunne employs the continuum of the distribution of authority in academic institutions developed by the American Association of Higher Education-National Education Association Task Force on Faculty Representation and Academic Negotiations (Weber et al., 1967). The "zones" in this continuum are administrative dominance, *administrative primacy*, shared authority, faculty primacy, and faculty dominance.

important in assessing the consequences of faculty collective bargaining. To the extent possible, it is desirable to examine the relationship, if any, between governance patterns under collective bargaining and governance trends already in motion before collective bargaining was adopted.

One way to examine the governance trends of 1970 and 1971 is to review the status and role of each of the major actors in the state college system at that time. The actors of particular interest are the governor's office, the legislature, the Department of Education, the BSCUD, and state college administrators and faculty.

During the 1960s, the governor's office played a major role in supporting the expansion of public higher education in Pennsylvania and in reorganizing the state higher education governance structure. By 1971, however, there was already evidence of a shift in public policy priorities. Milton Shapp became governor in January 1971, at a time when the state could no longer afford or justify uncontrolled expansion of public higher education. In fall 1971, Lieutenant Governor Ernest P. Kline articulated the posture of the new administration toward higher education in a convocation address at Mansfield State College:

... the time has come to exercise greater control over the growth of the Commonwealth system and to make certain that our money is well spent. Governor Shapp made it very clear [to the State Board of Education] that it is our intention to exercise greater control and insist on more comprehensive planning for the development of our Commonwealth System of Higher Education. In the future, growth of the system will be orderly and controlled growth. The duplication and waste of the system will be eliminated. Spending will be controlled. . . . Each segment of the system will have to remember its place in the system. . . . From now on, each institution will not be allowed to be all things to all people. This is a tough stand we are taking, but it is necessary. We cannot continue the practices of the past.²

²Lieutenant Governor Ernest P. Kline (Address before the Academic Convocation at Mansfield State College, Mansfield, Pennsylvania, September 14, 1971, as quoted by Quatroche, 1975, p. 90).

Like the governors of the 1960s, the legislature had also been highly supportive of higher education during this period. Between 1960 and 1966, the general assembly passed legislation which expanded the mission of the state colleges, created a community college system, awarded state-related status to two major universities (Temple University and The University of Pittsburgh), and created an agency for administering student grant and loan programs (The Pennsylvania Higher Education Assistance Agency). Between 1960 and 1969, the legislature increased state appropriations to higher education by 500 percent (Chambers, 1970, p. 329). As was the case with the governor, however, the years 1970 and 1971 witnessed some early signs of changing legislative priorities. In fiscal year 1971, for example, the legislature decreased the state college appropriation for the first time in at least a decade (*Selected Data*, 1975, p. 25).

The Department of Education has traditionally exercised a variety of controls over the state colleges (Chambers, 1970, pp. 319-320; and McGrath, 1964, pp. 10-11). Act 13 of 1970, "The State College Autonomy Act," was intended, in part, to eliminate some of these controls. However, the late 1960s and the early 1970s also witnessed a major expansion of the Department of Education's role in the area of higher education. Although one of the objectives of the legislature in creating the State Board of Education was to introduce greater lay control over educational policy, the role of the board in this regard was hampered by the lack of an independent staff. Moreover, the expansion of the higher education function within the department to support the Council of Higher Education in planning and coordination increased the department's ability to influence higher education policy.

The two chief state school officers (J. Ralph Rackley and David Kurtzman) and the commissioner of higher education (Frederick W. Miller) who served between 1965 and 1971 all came from higher education backgrounds and undoubtedly had some commitment to the maintenance of institutional autonomy. However, in January 1972, Governor Shapp appointed an attorney and former legislator, John Pittenger, as secretary of education. The events that took place during Pittenger's tenure (described in the next two chapters) suggest that Pittenger had less of a commitment

to the policy role of the professional educator or to institutional autonomy, particularly among the state colleges and university.

The BSCUD created by Act 13 of 1970, was originally intended to increase coordination among the state colleges while, at the same time, providing an alternative to direct Department of Education control over the colleges. BSCUD did not meet until January 1971, and they still had not clearly defined their role in state college governance when faculty negotiations commenced in fall 1971. Subsequent events indicate that the board has not played its intended role, in part because it lacks an independent staff and in part because of its lack of involvement in collective bargaining.

Although the Board of State College and University Presidents was not eliminated by Act 13 (1970), as recommended in the 1967 master plan, the BSCUD replaced the board of presidents as the primary policymaking body. The board of presidents became advisory to the BSCUD. Internally, prior to 1970, most of the presidents governed their institutions in a relatively autocratic manner (Gunne, 1974, p. 192 and Hall, 1973, pp. 20-38). By 1970, however, there were some signs of increased faculty participation in governance (Gunne, 1974, pp. 210 and 213). Most of the colleges created faculty senates between 1965 and 1970. Moreover, the period from 1965 to 1972 witnessed a turnover of presidents at all but one of the colleges. Several of the new presidents were more amenable to faculty participation than their predecessors. Although the present investigation did not provide information on prebargaining senates at all of the colleges, the data collected on this issue suggest that many of the senates were perceived to be ineffective mechanisms for faculty participation (Johnson, 1976, p. 103).

While the faculty did not play a formal role in the formulation of state-level policies prior to collective bargaining, the Association of Pennsylvania State College and University Faculties (APSCUF) was active in lobbying for faculty interests. One senior state official suggests that APSCUF was one of the most effective lobbying organizations in the state capital during the 1960s. Indeed, as related in the next chapter, APSCUF's track record in the capital was to become a major part of their campaign appeal in the collective bargaining election.

Act 195

Through a largely unrelated series of events during the late 1960s, Pennsylvania progressed rapidly toward passage of a comprehensive public employee collective bargaining law. Prior to 1970, public employee relations in Pennsylvania were governed by the Public Employee Antistrike Act (Act 492) of 1947, which did little more than provide for a grievance procedure and prohibit strikes in the public sector (Schmidman, 1973, p. 755). During the 1960s, several local public school teacher groups went on strike, causing general concern over the inadequacy of a law which could not be enforced and the absence of a positive alternative to work stoppages in the public sector.

Partially in response to pressures from the major teacher and public employee associations in the state, i.e., the Pennsylvania State Education Association (PSEA) and the Association of Federal, State, County, and Municipal Employees (AFSCME), Governor Raymond P. Shafer appointed a commission in May 1968 to establish guidelines for a new public employee relations law. The publication of the commission's report in June 1968 was followed by two years of legislative debate. The legislative history of Act 195 is chronicled in detail by Aboud (1974). For present purposes only two points need to be made. First, according to a key legislator, the primary motivation of the legislature for enacting Act 195 was to provide a semblance of order in the increasingly volatile public employer-employee relationships across the state. Second, the same legislator indicates that the prospect of faculty collective bargaining was not a major concern during the legislative debate, and the higher education community provided little input in shaping the law.

Act 195 became law in July 1970, with an effective date of October 1970. While there is no specific mention of higher education faculty in the law, there are several basic provisions which are relevant to the present study. These provisions are described below in order of the major phases of the collective bargaining process—the definition of the employer, the definition of the bargaining unit, impasse procedures, negotiations, and contract administration.

First, Act 195 does not specify the employer for any specific

group of public employees. The "public employer" is defined as "the Commonwealth of Pennsylvania, its political subdivisions including school districts and any officer, board, commission, agency, authority, or other instrumentality thereof . . ." (Article III, Section 301). However, the administering agency—the Pennsylvania Labor Relations Board (PLRB)—is instructed to "take into consideration that when the Commonwealth is the employer it will be bargaining on a statewide basis unless issues involve working conditions peculiar to a given governmental locale" (Article VI, Section 604). The state administration has argued that, according to this provision, most state employees (including state college faculty) should bargain on a statewide basis.

Second, Act 195 provides that the following considerations be applied by the PLRB in determining an appropriate bargaining unit: (1) the presence of an identifiable community interest; (2) the effects of over-fragmentation; (3) the separation of professional and nonprofessional employees; (4) the separation of law enforcement personnel; and (5) the exclusion of first-level supervisors (Article VI, Section 604). The second consideration has been used by the state administration to support arguments for statewide bargaining units.

Third, Act 195 defines the scope of bargaining as "wages, hours, and other terms and conditions of employment" (Article VII, Section 701). Public employers are not required to bargain over "matters of inherent managerial policy," including the functions and programs of the employer, standards of services, its overall budget, utilization of technology, organizational structure, and selection and direction of personnel. However, employers are required to "meet and discuss" over employee recommendations concerning "policy matters" affecting wages, hours, and terms and conditions of employment. Finally, the parties may not negotiate provisions that conflict with existing state or municipal statutes (Article III, Section 301, and Article VII, Sections 701-703).

Fourth, most categories of public employees are permitted to strike following the failure of mandated impasse (mediation) procedures (Articles VIII and X). While state college faculty have not employed the strike thus far, it remains available for future use.

Fifth, binding arbitration of grievances arising out of the

interpretation of a contract provision is mandatory (Article IX, Section 902). It will be revealed in a subsequent section that grievance arbitration has played a critical role in the implementation and administration of the faculty contract.

With few exceptions (e.g., the basic duty to bargain and the strike and arbitration provisions), Act 195 is a permissive bargaining statute. The identification of the employer and the definition of the bargaining unit are left to the determination of the bargaining parties and/or the PLRB, as required. The scope provisions are, for the most part, vague. Moreover, while the employer is not "required" to bargain over certain issues ("management prerogatives"), neither is he "prohibited" from doing so.

CHAPTER III THE INITIAL EXPERIENCE WITH FACULTY BARGAINING (1971-1974)

From the vantage point of May 1977, the history of faculty bargaining in the Pennsylvania state colleges, thus far, may be divided into two distinct stages. During the first stage (1971-1974), the parties negotiated two contracts and learned to operate under collective bargaining. During the second (1975-1976), the state colleges experienced a period of severe financial pressures and the threat of large scale retrenchment. The present chapter examines the first of these two periods.

The chapter is divided into six sections. The first section discusses the determination of the faculty bargaining unit and the faculty collective bargaining election campaign. The second section reviews the negotiation of the first faculty contract. The third section examines the manner in which the Department of Education administered the first faculty contract. The fourth section describes the negotiation of the second faculty contract. The fifth section examines the collective bargaining process at the campus level. The final section examines the manner in which the faculty contracts have been financed.¹

Unit Determination and the Election Campaign

Milton J. Shapp assumed the office of governor in January 1971, just three months after the passage of Act 195. One of the first tasks of the new administration was to develop an administrative organization to implement Act 195 and to establish a set of policy guidelines by which the state's public employee relations would be governed. The state administration's organization and policies with respect to public employee relations in general are important elements in understanding the state colleges' early experience with faculty collective bargaining.

¹This period (1971-1974) is covered in greater detail by Gershenfeld et al., 1976, and Johnson, 1976.

Governor Shapp placed a high priority early in his administration on the development of positive public employee relations under the new collective bargaining law (Zervanos, 1972a, p. 16). In order to insure top level involvement in this area, the governor placed overall responsibility for the supervision of public employee relations in the hands of Lieutenant Governor Ernest P. Kline. A Bureau of Labor Relations was established within the State Office of Administration with responsibility for directing and coordinating all negotiations with state-level employees.

It is clear from interviews with several state officials that the state administration has pursued three major goals in the area of public employee relations. The first goal has been to avoid an excessive proliferation of public employee bargaining units. The administration has been relatively successful in this endeavor. As of May 1973, 88,000 of the 90,000 eligible state employees had been organized into twenty-two bargaining units represented by an even smaller number of public employee unions.² The second goal has been to maintain central control over public employee negotiations, especially with regard to economic settlements. Again, the administration has been quite successful in this regard. Most state employee contracts are negotiated by the Office of Administration. The third goal of the administration has been to orient middle-level management to the nature of public employee-employer relationships under collective bargaining. From the perspective of the state administration, the slow adjustment of middle management has been one of the most problematic aspects of public employee bargaining (See Reede, 1972, p. 44). The state college case fits the general pattern in each of these three areas.

When it became apparent in July 1970 that the state college and university faculties would soon be eligible for collective bargaining, the Association of Pennsylvania State College and University Faculties (APSCUF) affiliated with the Pennsylvania State Education Association (PSEA) for the purpose of seeking recognition as collective bargaining agent for the state college and university faculty.

²Christ J. Zervanos (Testimony before the Special Joint Committee to Study Act 195, Pennsylvania General Assembly, Harrisburg, Pennsylvania, May 17, 1973).

Under the affiliation agreement, the Pennsylvania Association of Higher Education (PAHE), the higher education arm of PSEA, joined with APSCUF to form APSCUF/PAHE (hereafter referred to as APSCUF).

APSCUF submitted a petition for an election to the PLRB in January 1971. The PLRB encouraged the state administration to meet informally with the petitioning association to discuss the definition of a mutually acceptable bargaining unit. Soon after these discussions were initiated, the AAUP and the American Federation of Teachers (AFT) were granted recognition as intervening petitioners and subsequently joined the unit discussions.

The state administration maintained from the start that the appropriate faculty unit would encompass all thirteen state colleges as well as Indiana University of Pennsylvania. It appears that this position was never seriously contested, and the unit discussions proceeded to the subject of what job titles, in addition to full-time teaching faculty, should be included in the faculty unit. Although there were several issues to be resolved, the discussions focused primarily on the status of department chairpersons. Under the direction of Lieutenant Governor Kline, and with the reluctant acquiescence of the state college presidents, the petitioning organizations eventually agreed to a unit which would include department chairpersons and librarians, as well as full- and part-time teaching faculty, but would exclude most categories of nonteaching professionals.³

During the unit discussions of spring and summer 1971 and following the election order of August 1971, the AAUP, AFT, and APSCUF competed for the support of the faculty electorate. There

³In September 1971, APSCUF requested that the Commonwealth join in a petition for the election of a bargaining representative for a separate unit of nonteaching professionals. Following the Commonwealth's refusal, APSCUF turned to the PLRB and was eventually successful in gaining recognition as the representative of this second unit ("Unit II"). Unit II was ultimately covered by the second (1974) faculty contract, although with different rank and pay scales. In March 1975, the PLRB agreed to allow seven categories of Unit II personnel to transfer to the teaching faculty unit ("Unit I"), thereby substantially reducing the size of Unit II.

was also an association on some campuses called the Volunteers Operating to Elect No Organization (VOTE NO). On most campuses, however, the contest was primarily between APSCUF and the AAUP. In the election conducted on October 6, 1971, APSCUF won handily with 55.5 percent of the 3,618 votes cast. The AAUP was second with 35.4 percent and the AFT and VOTE NO organizations drew a combined total of 9.1 percent of the vote (Lozier and Mortimer, 1974, p. 4). A postelection survey of the state college faculty, conducted by Lozier and Mortimer (1974, pp. 98 and 105) suggests that one of the primary reasons for APSCUF's victory was APSCUF's lobbying record in the state capital. That is, APSCUF was elected by those faculty who were first seeking effective representation at the state level.

Negotiating the First Faculty Contract

Negotiations for the first contract began in November 1971, approximately one month after the election. The management team, organizationally based in the Governor's Office of Administration, was led by an experienced labor relations attorney appointed by the governor as chief negotiator. The APSCUF team was led by Martin Morand, a National Education Association (NEA) staff member who later became APSCUF's executive director in May 1973. The new Secretary of Education John Pittenger was represented on the management team by two departmental staff members and was consulted on several occasions by the chief negotiator. The extent to which Pittenger influenced the negotiations is a subject of contention among the participants who were interviewed for the present study. However, according to Deputy Secretary David Hornbeck (1974, p. 11) the secretary chose, for the most part, to leave collective bargaining to the "experts" and adopted a "hands off" posture toward the negotiations.

As a result of a campaign promise made in September 1971, APSCUF attempted early in the negotiations to make some provision in the master agreement for campus-level negotiations on selected issues. The management team rejected this proposal. In April 1972, APSCUF filed an unfair labor practice charge with the PLRB,

claiming that the state administration had reneged on an earlier commitment to allow local negotiations on issues which were not considered statewide in nature (PLRB, PERA-C-1986-C, 1973). During the PLRB hearings on this case, it was disclosed that Lieutenant Governor Kline, had, in fact, made an informal agreement with APSCUF and the state college presidents during spring 1971 to allow for such an arrangement.

The PLRB hearings and deliberations on APSCUF's unfair labor practice charge were quite lengthy. APSCUF chose not to delay the confirmation of the first contract by awaiting a ruling on the charge. Moreover, since spring 1971, APSCUF had lost the support of the state college presidents, who had since decided that local negotiations would not be desirable.⁴ In January 1973, the PLRB finally dismissed the charge against the state administration. The rationale for the PLRB decision was, in essence, that APSCUF did not have the legal (i.e., certified) status to enter into a binding agreement with the state administration prior to the bargaining agent election of October 1971 (PLRB, PERA-C-1986-C, 1973).

Although APSCUF lost on the local negotiations issue, the first faculty contract, ratified in September 1972, was generally considered to be a highly favorable one for the faculty. The economic package included several across the board increases over the thirty-four month life of the contract (November 1971 to August 1974, the first ten months being retroactive). The contract also maintained the traditional annual increment and merit programs and a life and health insurance package funded fully by the state. Although the actual financial value of the contract, over and above past practice, is a matter of interpretation, Gemmell (1975, p. 13) reports

⁴Martin J. Morand (Testimony before the Special Joint Committee to study Act 195, Pennsylvania General Assembly, Harrisburg, Pennsylvania, January 23, 1974).

that the average faculty member experienced a 35 percent increase in salary and benefits over the life of the contract.⁵

In addition to the financial settlement, there were a number of provisions concerning the governance of the colleges. The grievance procedure provided for appeals to the secretary of education and ultimately to binding arbitration in cases concerning not only the provisions of the contract but any existing administrative regulation, practice, or procedure relating to wages, hours, and terms and conditions of employment (*Collective Bargaining Agreement*, 1972, p. 4). There was also a "meet and discuss" provision which stipulated that each college president must meet monthly with local APSCUF representatives to discuss matters relating both to the contract and to educational policy and development (p. 8).

The contract also provided for faculty participation in the selection of department chairpersons, faculty appointments, and promotion, tenure, and sabbatical decisions. Provision was also made for a faculty curriculum committee on each campus, but the roles of campus senates were left implicitly to local determination, PSEA noted that the state college contract was one of the most comprehensive faculty contracts negotiated to date (*Pennsylvania Professor*, October 1972). The Table of Contents from the 1974 contract

⁵William Brown and Courtenay Stone of the State University of California at Northridge conducted a statistical analysis of faculty salaries at a stratified sample of unionized and non-unionized institutions. Among their main findings was that the Pennsylvania state college system is the only case in the sample studied in which faculty unionization has resulted in significantly higher faculty salaries (*Chronicle of Higher Education*, December 6, 1976, p. 3). However, there is another side to this story. As noted by several respondents in the present investigation, most of Pennsylvania's public employees received substantial salary increases during the early 1970s as a result of a deliberate effort on the part of a new Democratic administration to improve public employee benefits. Whether the faculty's increases can be attributed solely to collective bargaining is therefore a matter of contention. Finally, the contract also established a standardized twelve semester-hour faculty workload, which meant that on those campuses where the workload had been less, faculty were now working longer hours for their salaries.

(Appendix D), which is very similar in scope to the 1972 contract, attests to the contract's comprehensiveness.

Contract Administration

Although the Department of Education was numerically well represented on the management bargaining team, many respondents report that the department played a subordinate role to the Office of Administration in the negotiation of the first faculty contract. Following the ratification of the first contract, however, the department was given primary responsibility for administering the agreement. The new collective bargaining relationship was not initially given much priority by the department's top management. Responsibility for contract administration was delegated to the department's director of personnel.

The most important activity relating to the contract during this period (1972-1973) was the grievance process. The department initially adopted a "strict constructionist" posture toward the collective bargaining relationship. That is, if any basis could be found in the contract for denying a union grievance, that basis was asserted, and the grievance was denied. On the assumption that the department should support the college presidents, most presidential decisions that were appealed to the department were reviewed in a somewhat cursory fashion, and the department routinely upheld the president's decision (Hornbeck, 1974, p. 11).

APSCUF countered management's posture by appealing many of the department's grievance decisions to binding arbitration. By summer 1973, the department's leadership realized that the first seven arbitration awards had resulted in reversals of management decisions (Hornbeck, 1974, p. 12). Moreover, the department began to receive increasing criticism for what was viewed in many circles as an excessively favorable first contract—a contract over which the department had asserted little influence. A senior department official indicates that during the summer of 1973, the department's top management decided that they had to give greater attention to the collective bargaining relationship.

One of the first outcomes of the department's reassessment

was a decision that the department's top management had to become involved in negotiating the second faculty contract. The secretary of education persuaded the governor to select a new chief negotiator who was already serving as a management consultant to the Department of Education. In September 1973, approximately one year before the termination of the first contract, the department formed a labor policy committee to prepare for the second round of negotiations. The committee was chaired by the deputy secretary of education and with the exception of the new chief negotiator and a state college president was staffed entirely with departmental personnel (Hornbeck, 1974, p. 12).

In order to understand the events following the formation of the department's labor policy committee, it is necessary to review some other developments that took place during 1972 and 1973. John C. Pittenger was appointed secretary of education in January 1972. An attorney by training, Pittenger had served several years in the Pennsylvania legislature and for the past year had served on the governor's staff as special assistant for legislation. Pittenger had some experience as a college teacher, but he was perceived by the educational community as a noneducator. In fact, he brought with him a new perspective on the appropriate role of the Department of Education.

Perhaps most important, Pittenger did not perceive himself primarily as a representative or advocate of the educational community. Rather he has described himself as "the governor's man" in the field of education. Pittenger indicated that he was committed to the governor's public policy priorities (Pittenger and Ginger, 1972, pp. 15-16). As previously noted (Chapter II), Lieutenant Governor Kline had already articulated the posture of the new administration toward higher education in a convocation address at Mansfield State College in fall 1971. Kline had indicated that there was a need for greater central control over educational expenditures, more comprehensive planning for the development of the Commonwealth's system of higher education, and an elimination of duplication and waste within the system.⁶

⁶Lieutenant Governor Ernest P. Kline (Address before the Academic Convocation at Mansfield State College, Mansfield, Pennsylvania, September 14, 1971, as quoted by Quatroche, 1975, p. 90)

According to department officials, the department's two most important priorities with regard to the state colleges were the redefinition of state college missions and the improvement of the colleges as undergraduate teaching institutions. After encountering some resistance from the colleges, which were not particularly eager to limit their own programmatic responsibilities, the department determined that a centrally coordinated planning effort was required. In September 1972, Jerome Ziegler was appointed commissioner of higher education and was given responsibility for developing and implementing a new statewide higher education planning effort.

In April 1973, the department announced guidelines for a new state college planning process. Each president was asked to appoint a college level planning commission. The appointment of the college planning commissions was followed in June 1973 by a month-long planning conference at Millersville State College, attended by three representatives from each college commission. At approximately this point, APSCUF began to raise objections to the new planning procedures, which contained no provisions for APSCUF involvement. The events of fall 1973 represented an important turning point in the relationship between the department of education and APSCUF.

Negotiating the Second Faculty Contract

In fall 1973, it became apparent that the appropriation for the state colleges for the 1973-74 fiscal year was not sufficient to cover faculty salary increases negotiated in the first faculty contract. As of October 1973, additional funds had yet to be appropriated for this purpose. At their meeting of October 18, 1973, the BSCUD "reluctantly" adopted these resolutions: First, the college presidents were not to approve any more of the faculty salary increases mandated by the collective bargaining agreement. Second, the governor was requested to support additional appropriations to cover negotiated faculty salary increases. Third, the presidents were to initiate retrenchment of first and second year (nontenured) faculty, protecting selected programs at their discretion. Fourth, if these actions were not sufficient to bring the 1973-74 budget into balance,

the presidents were authorized to make additional dismissals as necessary (BSCUD *Minutes*, October 18, 1973).

The secretary of education responded to the BSCUD resolution by obtaining an opinion from the attorney general, dated October 23, 1973, that the BSCUD did not have the authority to carry out either the salary freeze or the retrenchment resolutions. On October 30th, the secretary sent a memorandum to the presidents overruling the BSCUD resolution.

The secretary's action constituted the first major step toward *rapprochement* with APSCUF. It is difficult to reconstruct the precise motivation for the department's efforts at conciliation with the faculty association. However, the decision to move in this direction is almost certainly related to at least three factors. First, it was evident to the department at this point that APSCUF could successfully hinder the state college planning effort. Second, there was reportedly some pressure from the governor's office to develop a more constructive relationship with the faculty union. Third, according to a top department official, the centralized collective bargaining arrangement provided some promise of facilitating the department's goal of state-level coordination which had already met with resistance from the individual colleges.

Although formal negotiations for the second faculty contract were not due to begin until early 1974, the department started to meet informally with APSCUF in November 1973. On November 28, 1973, the department and APSCUF, reportedly without consulting with the presidents, signed a "statement of mutual understanding" in which they agreed that there would be no retrenchment through the 1974-75 academic year. In exchange, APSCUF agreed to support and participate in the systemwide and institutional planning efforts initiated by the department in spring 1973. APSCUF also agreed to join the department in seeking a 5 percent shift of current resources to make "substantial changes" in the educational program activities for 1974 and 1975, consistent with institutional master plans.

While the department met informally with APSCUF between November 1973 and January 1974, the department's Labor Policy Committee developed the policies that would form the basis for

management's proposals at the bargaining table. Although the state college presidents were represented on the Labor Policy Committee, and the committee solicited presidential views on most issues, the presidents believe that they had little impact on the development of management bargaining policies for the second negotiations. According to a member of the Labor Policy Committee, one of the factors that hampered presidential influence was that the presidents were divided on many issues.

The Labor Policy Committee proposals were presented to APSCUF in February 1974. These proposals constituted the working document upon which much of the second faculty contract negotiations were based.

The contract that emerged in summer 1974 reflected a mutual predisposition toward cooperation and compromise. APSCUF accepted a relatively low 4 percent across-the-board salary increase. In exchange, management agreed to annual reopeners on salaries with a provision for binding arbitration. The arbitrator's decision was to be guided by subsequent salary settlements with other public employees. In addition, the Commonwealth agreed to extend the no retrenchment agreement of November 1973 through the academic year 1975-1976.

The provisions relating to governance reflected both the department's interest in containing the scope of the contract and their recognition of the need to increase APSCUF participation in decision making. Instead of introducing increasingly detailed policy and procedural provisions into the contract, the parties agreed to a series of statewide committees to work out issues that remained unresolved. The contract also provided for a statewide meet and discuss arrangement between APSCUF and the department to address problems of mutual concern between contract negotiations.⁷

⁷The state college presidents were not represented in the state-level meet and discuss arrangement until February 1976, eighteen months after the ratification of the second contract. In February 1976, the parties agreed that the board of presidents could designate a president to serve as their representative in state-level meet and discuss sessions. At this writing, however, there is no evidence that presidential participation has resulted in increased presidential influence at the systemwide level.

The contract eliminated the traditional merit system and substituted a system of "distinguished teaching awards" intended to promote the department's goal of promoting excellence in undergraduate teaching in the state colleges. There was also a provision that equated work load credit awarded for laboratory sections with that awarded for lecture classes and a provision that provided for extra compensation for supervision of independent study. These too were reportedly departmental initiatives, reflecting a departmental commitment to the importance of alternative learning opportunities. Finally, the contract contained a flexible term of agreement clause in which the life of the contract could be extended up to five years.

Overall, the second faculty contract had a potential for promoting the interests of both state-level parties. For the moment, the department and the faculty association adopted a view of collective bargaining as an instrument for solving problems in a cooperative manner (Hornbeck, 1974, p. 17 and Johnson and Gershenfeld, 1976, p. 33).

Collective Bargaining on the Campuses

The experience with faculty bargaining on the state college campuses is an extremely complex matter, involving fourteen different institutions—with some similarities, but each with a somewhat different academic and administrative character. It is not the intent of the present study to deal at any great length with the campus-level experience with collective bargaining. The campus experience is documented in greater detail elsewhere (See Gershenfeld et al., 1976 and Johnson, 1976). However, it is difficult to understand the impact of collective bargaining on the relationship between the campus and the state without giving some attention to the impact of collective bargaining on the general governance roles of campus level actors. Therefore, the present section briefly examines the roles of campus-level actors in the systemwide collective bargaining relationship, the initial experience with contract administration on the campuses, and the initial impacts of collective bargaining on campus governance.⁸

⁸The reader is reminded that the fieldwork on the campuses was conducted primarily during 1975.

Administrative and Faculty Involvement in the Systemwide Relationship. With regard to the first issue, one of the clearest findings of the present study is that the state college presidents experienced a significant loss of influence in the formulation of state-level policy during the period from 1971 to 1975. It is not clear, however, that this trend can be attributed solely to collective bargaining. Nor is it clear that the trend would have been any less pronounced in the absence of collective bargaining. As previously suggested (Chapter II), the Board of State College and University Presidents was highly influential in the formulation of the state college policy during the 1960s. The individual presidents, though hampered somewhat by state regulations, were accustomed to administering the internal affairs of their institutions in a relatively autocratic manner. By 1970, however, the role of the presidents was changing. The Department of Education had expanded its higher education staff following the creation of the Office of Higher Education in 1966. Moreover, the BSCUD was created in 1970 to replace the board of presidents as the primary policy-making body for the state colleges.

The first major collective bargaining issue that confronted the state college presidents in the spring of 1971 was the definition of the faculty bargaining unit. Administrators at nine of the colleges report that the presidents were strongly opposed to the inclusion of department chairpersons but that the state administration was apparently unwilling to escalate this issue into a major confrontation with the faculty petitioners. Gemmell (1975, p. 4) reports that management agreed to the inclusion of chairpersons "with the implied understanding that administrative personnel [nonteaching professionals] would be excluded." However, APSCUF subsequently organized the nonteaching professionals into a separate bargaining unit.

Although some administrators opposed faculty unionization, virtually all report that they maintained a low profile during the election campaign. The reasons for this posture were not systematically examined at all of the colleges visited, but the comments of a few top administrators provide some insight into the matter. Two administrators sensed a widespread belief at their colleges that

unionization was inevitable. Another sensed that state administration support for public employee organization precluded administrative resistance at the campus level. One administrator was unsure of the legality of administrative resistance. Gemmell (1975, p. 5) suggests that campus administrators simply did not have the legal background or the advice to initiate a timely and effective campaign against collective bargaining.

During the negotiations for the first faculty contract (1971-1972), the board of presidents was represented on the management team by two state college vice presidents. In addition, the chief management negotiator met periodically with representatives of the board of presidents. However, there is some disagreement over how much influence the presidents expected through these contacts.

According to an APSCUF document that was later submitted to the PLRB, the presidents initially expressed an interest in leaving room within the master agreement for campus-level negotiations on selected issues (PLRB, PERA-C-1986-C, 1973). However, the presidents reportedly decided fairly quickly that local negotiations would lead to "whipsawing" by the union locals.

Although campus administrators remain persuaded of the dangers of local negotiations, many are still dissatisfied with their lack of influence over systemwide bargaining. As previously noted, the presidents were represented on the department's Labor Policy Committee which prepared for the second negotiations. Moreover, in preparing the management platform the Labor Policy Committee solicited input from campus administrators. However, administrators at nine of the colleges believe that their comments and suggestions had little impact on the formulation of management policy at the bargaining table. A state administration respondent indicates that one of the factors that limited campus influence was the fact that the college presidents were divided on a number of issues. The overall impression is that the state college presidents were consulted less during the second negotiations than they were during the first.

The level of participation by faculty in the systemwide collective bargaining process is a matter of somewhat greater complexity. APSCUF has historical ties with campus level faculty associations that date back, in some cases, to the 1930s. APSCUF's central

structure at the time of the first negotiations consisted of a legislative assembly of delegates from each of the campuses and an executive council consisting of four statewide officers and an executive director. In addition, there were a number of systemwide committees (a negotiations committee, a grievance committee, etc.) comprised of delegates from the campuses. Until September 1976, when he resigned, APSCUF Executive Director Martin J. Morand played a very strong executive role within the organization.

The level or adequacy of campus-level faculty influence over central APSCUF policy appears to be a matter of perspective. The most important issue in this regard during the period from 1971 to 1974 was the manner in which the local APSCUF organizations and the faculty in general could provide input into the negotiations process. The perception of several local APSCUF leaders is that the negotiation of the first and second faculty contracts was a relatively centralized operation. However, a central APSCUF official reports that during the first (1971) contract negotiations, communication was maintained with the campuses via regular telephone calls, information pieces distributed to the faculty, and visits to the campuses by the negotiating team. The communication effort during the second (1974) contract negotiation was even more elaborate. In addition to the above, there were surveys of the faculty, a telephone hot line to the central APSCUF office, and regular reports to the APSCUF negotiations committee and legislative assembly. Indeed, one of the state college presidents has commented that both during and between contract negotiations the APSCUF membership has been kept better informed about collective bargaining matters than state college administrators.

Contract Administration on the Campuses. The second issue of interest with regard to campus level actors is the experience of the campuses with contract administration. Because the campus experience has been so different among the fourteen state colleges, it is probably more reasonable to talk about the range of experiences than to try to identify patterns of central tendency. The interview data on the issue of contract administration suggests that there are three major areas of interest: first, the manner in which the college administrations have organized for purposes of administering the

contract; second, the meet and discuss process; and third, the grievance process.

The initial task confronting the colleges, following the ratification of the first faculty contract in September 1972, was the development of a staff organization to administer the agreement. At most of the colleges, the president assigned a vice president, assistant vice president, administrative dean or assistant to the president to perform the role of "labor relations coordinator" (faculty contract administrator). The majority of these individuals had little previous experience in labor relations.

The nature and level of labor relations coordinators' responsibilities varied considerably with their administrative ranks and the level of presidential and vice presidential involvement in contract administration. On two campuses, for example, the labor relations coordinator (in each case an administrative dean) was responsible primarily for communications with the labor relations staff of the Department of Education, while a vice president supervised contract administration at the campus level. At three other colleges, the labor relations coordinator was a vice president, responsible for all aspects of the collective bargaining relationship. In another case, the labor relations coordinator, a special assistant to the president, had primary responsibility for the collective bargaining relationship but consulted with the president on a daily basis on policy matters relating to the faculty contract.

The level and nature of presidential involvement in collective bargaining matters has also varied. Initially, ten of the fourteen presidents avoided personal involvement in local collective bargaining matters and delegated this responsibility to a labor relations coordinator and/or a vice president. A Department of Education official suggests that campus administrators, not unlike their state level counterparts, wanted to confine the collective bargaining relationship to matters spelled out in the contract. Interaction between the APSCUF local and the president, they thought, could only serve to expand the scope of the collective bargaining relationship.

Administrators soon learned, however, that they could not define the parameters of the local collective bargaining relationship on a unilateral basis. One of the provisions of the faculty contract,

pursuant to Act 195 of 1970 (Article VII, Section 702), states that "The president or his designee shall meet monthly with a committee appointed by APSCUF/PAHE for the purpose of discussing matters of educational policy and development as well as matters related to the implementation of this agreement" (*Collective Bargaining Agreement*, 1972, p. 8).

Although the language of this provision suggests that the meet and discuss arrangement was intended as a forum for campus-level discussions on a broad range of issues, the scope and nature of the process have been subjects of contention between campus administrators and APSCUF locals. APSCUF leaders at seven of the colleges believe that the meet and discuss arrangement should be employed as a mechanism for making joint decisions on all matters of local concern. However, at least through 1975, administrators on all but one campus maintained that they were not required to "negotiate" in the meet and discuss arrangement and that they were unwilling to employ it as a forum for making joint decisions.

In May 1973, APSCUF filed an unfair labor practice charge with the PLRB claiming that a campus administration had improperly refused to confer with an APSCUF local "in good faith" over the nonreplacement of faculty who were on sabbatical. The PLRB concluded that the meet and discuss provision of Act 195 did not oblige the employer to "confer in good faith" on matters which were defined by Act 195 or the contract as "management prerogatives" (PLRB, PERA-C-3539-C, 1975). APSCUF appealed this decision to the Commonwealth Court. In April 1976, the court upheld the PLRB ruling that no unfair labor practice has been committed. Specifically, Judge Harry Kramer agreed with the PLRB argument that although the parties may not meet and discuss "in bad faith," the meet and discuss provision does not require the parties to "bargain in good faith." The term "good faith" in the context of meet and discuss "implies good faith insofar as it pertains to fairness and sincerity, but . . . not good faith as that term is used as a phrase in the art of collective bargaining" (PLRB v. APSCUF/PAHE and Bureau of Labor Relations, Pennsylvania Commonwealth Court No. 1119 C.D., April 1976).

The third area of interest in the area of contract administration is the grievance process. The grievance procedure in the faculty

contract is a four-step process, starting informally with a dean or vice president, and providing for formal, written appeals to the president, secretary of education, and a professional arbitrator, respectively. Although precise information is not available on grievance activity at all the colleges, there is sufficient information to suggest that the fourteen colleges have taken different approaches to the grievance process. Four of the colleges, for example, report that they have made concerted efforts to resolve faculty grievances informally at the local level. In contrast, as of summer 1975, one college had forced virtually every grievance appeal off campus, arguing that the president did not have the authority to make binding decisions.

According to Department of Education records, forty APSCUF grievances were appealed to the secretary of education as of June 30, 1973—i.e., during the first ten months of the first faculty contract. The deputy secretary of education reported that during the first year of the contract, the department reviewed faculty grievances in a "somewhat cursory" fashion and generally supported the decision of the college president. Of the grievances subsequently appealed to arbitration during that year, seven had been ruled upon by summer 1973. All seven cases had resulted in faculty victories (Hornbeck, 1974, p. 11-12).

The experience with the grievance process has by no means been uniform among the campuses. According to campus estimates the number of written grievances initiated at each of the colleges between 1972 and 1975 ranged from approximately ten to thirty-five. According to the Department of Education, the number of presidential grievance decisions appealed to the secretary of education between July 1972 and November 1974 ranged from two to eighteen. Five colleges reported that there had been no grievances appealed to arbitration while one reported as many as ten (Gershenfeld et al., 1976, p. 41). There is insufficient data to generalize about the relationship between grievance activity and campus level relationships. However, at the college that had sent all its grievances off campus as of summer 1975, both faculty and administrators agreed that they were having difficulty resolving problems at the local level.

Impacts on Campus Governance. The third and final area of interest with respect to the campus experience with collective bargaining is the impact of collective bargaining on campus governance. Within this general area of interest, there are three specific topics to be covered: first, the impact of collective bargaining on college senates; second, the impact on academic personnel policies and decisions; and third, the impact of the role of department chairpersons.

As previously noted, there is a local APSCUF organization on each campus. These organizations have asserted a role in campus governance primarily via the meet and discuss and grievance processes. They are also formally represented on campus budget and planning committees. It is noteworthy that local APSCUF participation in the latter two areas is the result of two extra-contractual agreements between the systemwide parties.

The relationship between the local APSCUF organizations and college senates is a matter of some interest. It is important to recall that college senates are a relatively new institution (post 1965) in the Pennsylvania state colleges, and few of them played a major role in college governance before the adoption of collective bargaining. Two of the fourteen senates were abolished just prior to or after faculty unionization. Four of the remaining state college senates now perform little more than service, forensic, and/or social functions. The other eight continue to play a moderate to important role, primarily in the areas of curriculum and student affairs. However, the autonomy of the faculty senate from the local APSCUF organization is open to question in at least half of these cases. On one of the eight campuses, the APSCUF local and the administration have agreed to an arrangement whereby the elected APSCUF president and vice president also serve as the senate chairperson and vice chairperson. On three other campuses, respondents report a more subtle "interlocking directorship" between the senate and the APSCUF local.

The continuing role of eight of the college senates appears to be a combined function of administrative support and APSCUF tolerance. That is, administrators have been eager to retain a non-union forum for administration-faculty consultation on educational

policy matters. The APSCUF locals tolerate the senates because many of the locals have developed working relationships with their campus senates and because many APSCUF locals are not eager to assume the daily work load of the senates in such areas as reviewing course and curriculum proposals.⁹

Another aspect of faculty participation in college governance under collective bargaining is the faculty's role in personnel decisions. This issue is discussed at length by Gershenfeld et al. (1976, pp. 69-81). For present purposes, a brief summary should suffice. First, the contract provides for departmental faculty participation in faculty appointments and department chairperson appointments. Respondents indicate that collective bargaining has resulted in increased formal faculty participation in these areas. Second, the contract provides for collegewide faculty committees on promotion, tenure, and sabbaticals. The impact of these provisions is complicated by the fact that until approximately 1974 promotion and tenure were reportedly almost automatic in the state colleges. At the time of the field visits to the campuses (1974-75), then, it was not clear that these provisions had resulted in significant changes. Third, insofar as the state college faculty senates were ever involved in personnel matters, they are no longer. Faculty participation in personnel matters is conducted primarily through the departments, collegewide committees, and local APSCUF organizations.

The third and final area of campus governance of interest herein is the impact of collective bargaining on the role of department chairpersons. The reader is reminded that department chairpersons are part of the state college faculty bargaining unit. Among the eight campuses where respondents commented on the post-bargaining role of department chairpersons, administrators on five campuses indicate that management has "lost" the department chairpersons as the first level of administration. Respondents on the other three campuses indicate that the managerial role of department chairpersons has been significantly reduced. Gemmell (1975, p. 4)

⁹See Johnson (1976, p. 183) for a more detailed discussion of the state college curriculum committees.

suggests that "the department head position is no longer an extension of the academic administrative offices, but rather the focal point for the expression of faculty views. This strips the post of most of its former power." Concurrent with the decline of the department chairperson role, there has been an increased centralization of administrative decision making on the campuses.

Contract Finance

There is one more major area of interest that needs to be examined in order to complete the overview of the period from 1971 to 1974 in this chapter: the manner in which the faculty contracts have been funded. The state colleges and universities have experienced financial problems since the adoption of collective bargaining. However, neither the colleges' budgetary difficulties nor the legislature's behavior toward the colleges in recent years can be understood by focusing solely on the issue of collective bargaining. The fiscal pressures on the colleges are also related to inflation, rising fuel costs, and leveling enrollments. Contract finance has been only one aspect of legislative decisions concerning state college appropriations. Other important factors influencing these decisions have been a perceived need to hold down higher education spending, increasing budgetary demands from other state services and programs, and public resistance to tax increases. It therefore seems prudent to examine the issue of contract finance within the broader context of the annual budgetary process.

Department of Education figures indicate that with the exception of the 1970-71 fiscal year, the state colleges and university received fairly sizeable increases in their annual state appropriations between the 1965-66 and 1972-73 fiscal years (*Selected Data*, 1975, p. 25). In the 1971-72 fiscal year, for example, the colleges received an 18 percent increase in their appropriation (\$70.8 million to \$84.6 million). For the 1972-73 fiscal year, the first year under the faculty contract, the colleges received a 23 percent increase (\$84.6 million to \$104.6 million).

The 1973-74 fiscal year was the first year in which the colleges experienced significant fiscal pressures due to faculty salary

increases, inflation, leveling tuition revenues, and an effort in the legislature to hold down the state college appropriation. In June 1973, the legislature awarded the state colleges \$109.8 million for the 1973-74 fiscal year, a modest increase of 5 percent over the previous year. The financial situation in the colleges in fall 1973 prompted the BSCUD to issue the salary and retrenchment resolution described in a previous section.

In March 1974, however, the legislature awarded a supplemental appropriation of \$7.4 million, raising the total state appropriation to the colleges to \$117.2 million. The total increase over the 1972-73 fiscal year was still a relatively low 12 percent, and the colleges experienced some problems because the additional funds were made available so late in the fiscal year. However, reports indicate that the colleges managed to meet expenses in the 1973-74 fiscal year as a result of the supplemental appropriation.

In early 1974, Governor Shapp presented his budget for the 1974-75 fiscal year to the legislature, with a request for \$128 million for the state colleges. The chairperson of the BSCUD maintained that the colleges required \$135.5 million for the 1974-75 fiscal year and testified to that effect in the appropriation hearings, openly disagreeing with Secretary Pittenger, who supported the governor's figure (BSCUD, *Minutes*, May 16, 1974). The legislature took what has become a relatively unusual action in recent years and added \$4 million to the governor's request for a total appropriation of \$132 million.

In September 1974, following the ratification of the second faculty contract, the board of presidents forwarded a resolution to the governor indicating that the colleges needed an additional \$9.9 million to support the colleges' budgetary requirements for 1974-75 fiscal year. In January 1975, two separate bills were introduced in the House of Representatives (House Bill 38 and House Bill 44, 1975) requesting a supplemental appropriation of approximately \$12 million for the state colleges. The governor's office did not support this figure, however, and an agreement was not reached until the figure was substantially reduced. In May 1975, the legislature finally awarded a supplemental appropriation of \$5.5 million, thereby increasing the total appropriation for 1974-75 to \$137.5 million.

Although the total state college appropriation for 1974-75 represented a 17 percent increase over 1973-74, respondents at both the state and institutional levels indicate that 1974-75 was, fiscally speaking, the most difficult yet for the state colleges. One state official indicates, for example, that the additional funds appropriated to compensate for faculty salary increases covered only 65 percent of the cost of those increases. Furthermore, the fiscal pressures on the state colleges increased in the 1975-76 fiscal year. In early 1975, the governor made a substantial cut in the state college budget request for the coming year, a cut that was supported by the legislature in June 1975 in its appropriation bill for the 1975-76 fiscal year. The Department of Education responded by attempting to retrench the state colleges. These events and the events that followed are examined in detail in the next chapter.

Summary

This chapter has examined the period from 1971 to 1974, from the faculty collective bargaining election campaign through the negotiation of the second faculty contract. Six major points emerge from this analysis.

First, the governor's office has been largely successful in pursuing three major goals in the area of public employee relations: to avoid a proliferation of public employee bargaining units; to maintain central control over public employee negotiations; and to orient middle management to the nature of public employee-employer relationships under collective bargaining. In the state college case, the state administration was successful in defining the faculty bargaining unit as the entire state college and university system. APSCUF was elected in October 1971, largely by faculty who were first seeking effective representation in the state capital.

Second, the first state college faculty contract was a highly favorable one, from the standpoint of the faculty. In addition to a highly favorable financial settlement, the faculty gained a comprehensive grievance procedure, a meet and discuss provision, and formal faculty participation in the selection of department chairpersons, faculty appointments and promotion, tenure, and sabbatical decisions.

Third, at first the top management of the Department of Education paid little attention to the faculty contract. A series of profaculty grievance arbitration awards led the department to reconsider its posture. In addition, in 1973 the department initiated a new systemwide planning process. The department determined that central APSCUF cooperation would facilitate this planning effort.

Fourth, in fall 1973, the department and APSCUF initiated negotiations for the second faculty contract with a memorandum of understanding in which the department placed a two-year moratorium on retrenchment in exchange for APSCUF participation and support for the systemwide planning process. Negotiations for the second contract proceeded in a spirit of cooperation between APSCUF and the Department of Education. The department succeeded in holding down the salary settlement, replacing the traditional merit system with a less expensive "distinguished teaching awards" program, and introducing a series of mechanisms for departmental-APSCUF interaction between negotiations. APSCUF secured an extension of the no-retrenchment agreement through 1975-76, a salary reopener, and a role in the formulation of extra-contractual state college and university policies.

Fifth, although the impact of collective bargaining on the campuses has varied across the system, a few generalizations can be made about the early (1971-1975) experience: First, collective bargaining contributed to a decline of presidential influence and an increase in faculty influence at the systemwide level. Second, most of the APSCUF locals achieved a role in campus governance via the meet and discuss procedure, the grievance process, and state-mandated local APSCUF participation on campus planning and budget committees. Third, on many campuses collective bargaining resulted in a decline or limitation of the senate role, an increase in formal faculty participation in academic personnel decisions, and a decline in the role of department chairpersons.

Finally, partly because of collective bargaining, the state colleges have experienced increasing financial pressures since 1973. In early 1975, because of statewide fiscal pressures, the governor's office made an unusually large cut in the state college budget request for the 1975-76 fiscal year. The Department of Education responded by attempting to retrench the state colleges, as recounted in the next chapter.

CHAPTER IV

FINANCIAL PRESSURES AND RETRENCHMENT (1975-1976)

The collective bargaining relationship in the Pennsylvania State Colleges and University system has been described by some observers as a tripartite adversarial relationship among the Department of Education, APSCUF, and the college administrations. As outlined in Chapter III, during 1974 the Department of Education took a variety of steps to align itself with APSCUF in a more cooperative relationship. The mutual interest of both parties, though based on somewhat different sets of objectives, appears to have been the centralization of decision making and the standardization of policy within the state college system. By late 1974, some campus respondents perceived that the department and APSCUF were "sleeping in the same bed." Starting in winter 1975, however, a series of events occurred which were to place a severe strain on the state level collective bargaining relationship and which led at least temporarily to an alignment of interests between APSCUF and the colleges.

The purpose of this chapter is to examine the events from January 1975 through fall 1976. The first section of the chapter examines the budgetary pressures facing the state colleges in early 1975 and the guidelines developed by the Department of Education for the retrenchment of state college personnel. Second, the authors examine a series of grievances through which APSCUF attempted to contest the department's retrenchment effort. During the same period (fall 1975 - winter 1976), the department and APSCUF engaged in a new round of salary negotiations, as stipulated in the 1974 faculty contract. The third section of the chapter reviews these negotiations. The fourth section examines an apparent attempt by the chief of the department's Bureau of Academic Programs to increase coordination of the state colleges via the planning process. The final section of the chapter examines a period (spring 1976 - fall 1976) which is probably best characterized as an "interregnum" in the history of faculty collective bargaining in the Pennsylvania state colleges.

Setting the Stage for Retrenchment

In late 1974, the colleges submitted to the Department of Education a request of \$167 million for the 1975-76 fiscal year. Secretary Pittenger forwarded to the state budget office a state college budget request of approximately \$165 million. This figure was substantially reduced by the governor's office. The governor's budget, forwarded to the legislature in early 1975, contained a request for \$150 million for the state colleges. Although the latter figure still represented a 9 percent increase over the total state college appropriation for the 1974-75 fiscal year (\$137.5 million), the governor's request was perceived to be inadequate to meet the projected expenses of the colleges during the coming fiscal year. Because of rising costs and modest appropriations increases during the 1973-74 and 1974-75 fiscal years, the colleges had already made substantial cutbacks in nonpersonnel areas. It appeared to the Department of Education that it would be necessary to consider retrenchment.

It should be recalled that in November 1973 the department signed an agreement with APSCUF that provided for a moratorium on retrenchment through the end of the academic year 1974-75. In September 1974, partially in exchange for a rather modest faculty salary increase in the second faculty contract, the department agreed to extend the ban on retrenchment through 1975-76. The department and the colleges were therefore obliged to live with the legislature's appropriations for 1975-76. However, there was nothing in the contract that precluded plans for retrenchment in 1976-77.

In early 1975, partially because of departmental dissatisfaction with the retrenchment provision in the 1974 contract (Article XVII), the department conducted retrenchment simulations at two of the state colleges. By the time the governor's budget request was released in March 1975, the department was well on the way to understanding how retrenchment could be effected in the state colleges. Based on the assumption that the colleges might be operating on a budgetary "deficit" of \$16.7 million during 1975-76, which would carry over into 1976-77, the department proceeded to develop guidelines for personnel retrenchment, to be effective

September 1976 ("Plan for Retrenchment," 1975).

The twelve retrenchment guidelines were extremely complex. In retrospect, four of the most important provisions were as follows. First, retrenchment projections for 1976-77 were based on the projected discrepancy between funds needed and funds available for 1975-76. Each college was given a prorated budgetary "deficit" for which it would have to compensate via personnel cutbacks. The guidelines provided that if actual salary increases were higher or lower than projected for the coming year, retrenchment requirements might be decreased or increased, as appropriate. Second, the following priorities were to be considered in the retrenchment of teaching faculties: (1) protection of new state college missions approved by the State College Planning Commission and BSCUD in January 1975, (2) affirmative action, and (3) other programmatic considerations, including complementarity of academic programs among the various state colleges in a given geographic area of the state. Seniority appeared to be given fourth priority.

Third, retrenchment of management and nonteaching professional positions would occur at approximately one and one-half times that of the teaching faculty (later changed to a rate equal to that of the teaching faculty), and nonacademic personnel would be retrenched in direct proportion to the total number of all positions to be reduced at the college. Fourth, the guidelines provided that following the submission of retrenchment lists on June 30, 1975, each president could then submit a statement concerning alternative cost saving approaches designed to reduce retrenchment. The retrenchment plan was subsequently labeled Plan A and the alternatives to retrenchment, Plan B ("Plan for Retrenchment," 1975).

On May 15, the proposed guidelines were presented to the BSCUD for approval. The following excerpt from the minutes of that meeting appears to capture the concerns and frustrations of the board regarding both the retrenchment plan and collective bargaining in general:

Ms. [Rebecca F.] Gross placed the current dilemma in a historical setting when she stated that, "the State College System has been in worse condition than now. The legislature has seldom appropriated

adequate funds. Nothing has ever been solved by 'wishful thinking' but by action. This board cannot do what it has often wished it could but has tried to face situations as they arise. We are attempting to solve problems that have been created by the legislature when Act 195 was enacted but which failed to assure financial support to back up agreements that would result under the Act. The board had nothing to do with negotiating the collective bargaining contract and yet, it must be prepared to implement a plan of operation in the event that adequate funds are not appropriated."

After several hours of discussion resulting in some minor modifications, the board passed a resolution, "with great regret and reluctance," approving the department's guidelines for retrenchment.

The Board of State College and University Presidents pressed the department to allow submission of Plan B prior to the submission of the retrenchment lists (Plan A), but the department remained convinced that significant economies could no longer be achieved in non-personnel areas. The presidents ultimately approved the guidelines by a vote of eleven to three, and all but one of the presidents prepared to submit the required lists by the June 30 deadline. The exception was President Gilmore Seavers of Shippensburg State College (*Chronicle of Higher Education*, July 21, 1975). Seavers indicated that he could achieve the cost reduction required of his college without involuntary retrenchment and that the manner in which savings were accomplished should be left to the individual colleges.

After Seavers publicly announced his intention to submit Plan B instead of the required retrenchment list, the secretary of education sent Commissioner of Higher Education Jerome Ziegler to Shippensburg with a message that Seavers would be dismissed if he did not comply with the deadline for retrenchment lists. With the support of his faculty and the Board of Trustees, Seavers ultimately complied with the department's directive, and by June 30 the Department of Education has received fourteen retrenchment lists containing a total of approximately 1,300 names (including non-faculty personnel).

Secretary Pittenger has suggested that the department's motivation for requiring the retrenchment lists first was, in part, to force the state colleges to give serious attention to the need for further cost reductions. Whether or not this motivation was perceived by the state college presidents at the time, the submission of the retrenchment lists had the desired effect. Following the submission of Plan B proposals (alternatives to retrenchment) by the colleges on July 14, 1975, the department and the colleges worked together to minimize the need for retrenchment through cost savings in other areas. APSCUF reportedly was involved in these deliberations on at least one occasion (August 14).

The result of these efforts was a new plan (Plan C), which combined cost savings through nonpersonnel cutbacks, attrition, and a significantly reduced number of involuntary retrenchments. Secretary Pittenger, having told the legislature in spring 1975 that there was little room left for nonpersonnel cutbacks, has since indicated that he was embarrassed by the amount of cost savings achieved in nonpersonnel areas in Plan C. In fact, sufficient savings were achieved to cut the number of positions dropped back to 500—including 300 through natural attrition and voluntary early retirements. On September 8, 1975, the deadline for retrenchment letters, 200 personnel (including eighty-two faculty) were informed that they would be involuntarily retrenched as of September 1976, unless budgetary conditions improved. Seven of the state colleges achieved sufficient cost savings in other areas to avoid involuntary retrenchments altogether.

APSCUF's Retrenchment Grievances

Although APSCUF was undoubtedly relieved by the significant reduction in retrenchment, it was still faced with the prospective retrenchment of eighty-two faculty members in September 1976. APSCUF therefore proceeded to contest several aspects of the retrenchment process via the grievance procedure. The first of these grievances, which actually preceded the issuance of the retrenchment guidelines, alleged that the state administration had improperly failed to provide adequate funding for the state college faculty

contract. Second, APSCUF filed eighty-two individual grievances on behalf of the faculty who were due to be retrenched in September 1976. Third, APSCUF filed a three-part "policy grievance," that alleged that the Commonwealth had failed to prove "financial exigency" to justify retrenchment; that tenured faculty could not be retrenched unless and until the Commonwealth had established "just cause"; and that the department's retrenchment guidelines did not comply with the retrenchment provision of the 1974 faculty contract (*APSCUF Newsletter*, December 1975 and February 1976).

APSCUF submitted its funding grievance to the secretary of education in February 1975, when it first became apparent that the state colleges' budget request for fiscal year 1975-76 faced a major cut. The grievance alleged that the state administration failed to request sufficient funds to give "full force and effect" to the collective bargaining agreement, as required by Article 34 of the 1974 contract. Because the department offered APSCUF no satisfactory response to the grievance, APSCUF submitted the grievance to arbitration in April 1975.

At the initial and only arbitration hearing on this grievance, the Commonwealth claimed that the governor's budget recommendations were not an issue subject to arbitration, and the Commonwealth's representative proceeded to walk out of the hearing. The next day, APSCUF filed an unfair labor practice charge with the PLRB, alleging that the Commonwealth's refusal to submit to arbitration constituted an unfair practice. In January 1976, the PLRB finally ruled in favor of the APSCUF position and ordered the Commonwealth to submit to binding arbitration. It may well be that this initial PLRB ruling placed some pressure on the Commonwealth to resolve the retrenchment issue. However, the Commonwealth did appeal the PLRB ruling, and in July 1976, the PLRB reversed its initial ruling. In the July 1976 ruling, the PLRB held that

The exercise of informed judgment, based on data the governor can demand in the formulation of budget proposals to the General Assembly is a function vested exclusively in the office of the governor and the governor cannot by collective bargaining agreement delegate this function to an arbitrator. Accordingly, the Board must reverse the conclusions

of the law in the Nisi Decision and Order of January 23, 1976 on the basis that the issue of adequacy of a budget proposal made by the governor is not a proper subject of arbitration. . . .¹

The eighty-two individual faculty grievances submitted by APSCUF in the fall of 1975 were initially held in abeyance by the department, with APSCUF's consent, pending the arbitrator's decision on APSCUF's three-part "policy" grievance concerning the retrenchment process. Hearings on the policy grievance commenced on November 28, 1975. It was agreed at that time that the arbitrator's ruling on each part of the policy grievance would be treated as an interim decision pending the completion of all three. In January 1976, the arbitrator ruled on the first two issues. Both decisions favored the Commonwealth position. In the first decision, the arbitrator ruled that the Commonwealth was not required to prove financial exigency in order to proceed with retrenchment. In the second decision, the arbitrator ruled that there was a difference between retrenchment and termination and that tenured faculty were therefore unprotected by the provision in the faculty contract concerning termination of tenured faculty (Article XV). The third part of the grievance, concerning alleged discrepancies between the retrenchment guidelines and the faculty contract, was never arbitrated because the parties reached an agreement on salaries and retrenchment early the next month. Before examining this agreement, it is necessary to review the salary negotiations which transpired during the same period (fall 1975-winter 1976).

Negotiating over Salaries and Retrenchment

The 1974 contract provided for a reopener on salaries for the 1975-76 academic year. Although these negotiations were originally

¹The July 1976 PLRB ruling was subsequently appealed by APSCUF to the Commonwealth Court. At this writing, the case is still unresolved.

scheduled to commence on September 1, 1975, they were delayed for approximately six weeks. The delay stemmed from a provision in the contract that faculty salary increases for 1975-76 and for succeeding years would be based, in part, on salary agreements reached with other public employee organizations (*Collective Bargaining Agreement*, 1974 Article XX, 4c). The Commonwealth did not complete its salary negotiations with other units until mid-October.

The range of settlements with other public employee organizations in the fall of 1975 was from 3.5 percent for the Pennsylvania Nurses Association to 9.2 percent for the state police (*APSCUF Newsletter*, February, 1976). The Commonwealth maintained, however, that the state police settlement was irrelevant because it had been arrived at through compulsory arbitration. The Commonwealth maintained that the state "pattern" placed a ceiling of 3.83 percent (3.5 percent effective August, 1975, and .8 percent effective January, 1976) on the faculty salary settlement for 1975-76. Further, according to the state pattern, individual faculty increases would vary with salary and rank, with the larger increases accruing to lower salaried faculty (*APSCUF Newsletter*, October 1975). This was the Commonwealth position on the state "pattern." The Commonwealth's "offer" to the faculty, however, was a zero increase.

APSCUF responded that the Commonwealth's position was unacceptable, and the parties agreed to move to the arbitration procedure provided for in the 1974 faculty contract. APSCUF filed a brief with a panel of arbitrators (the chief negotiator for each side plus a professional arbitrator). The brief maintained (1) that the "ceiling" for faculty salary increases should be 9.2 percent and (2) that faculty salary increases should be awarded on an across-the-board (percentage) basis. The arbitration panel started meeting on February 12, 1976, to consider the APSCUF brief and the Commonwealth's response.

The panel deliberated and received testimony for approximately one month. According to one observer, the professional arbitrator on the panel finally indicated on an informal basis that the Commonwealth position on the state "pattern" (i.e., a 3.83 percent ceiling) seemed to him to be correct. On March 17, 1976, a salary

settlement was signed by both parties and released. The major provisions of the settlement were: first, the faculty salary increase for 1975-76, retroactive to September 1, 1975, would be 3.83 percent across-the-board. For 1976-77, the increase was fixed at 4 percent. Second, the term of the second (1974) faculty contract was extended to June 30, 1979, with a provision for further extensions coinciding with those of the "collective bargaining agreement covering the largest number of Commonwealth employees" (AFSCME).

Coincident with the salary settlement, the secretary of education announced a decision (1) to rescind all involuntary retrenchments of APSCUF positions and to so inform faculty members affected by this action and (2) not to issue any additional notices, if such were required, until after December 15, 1976 (*APSCUF Newsletter*, March 1976). APSCUF, in turn, withdrew all of its retrenchment grievances.

It is difficult to determine whether and to what extent the salary agreement and retrenchment actions were linked. The public posture of both parties is that the two actions were not linked. From the APSCUF side, a senior official indicates that APSCUF did not trade salary money for the reinstatement of the eighty-two faculty who stood to be retrenched. There was no way, APSCUF maintains, that they could have achieved a higher salary increase once the arbitrator had set the 3.83 percent "pattern" or "ceiling."

If there was no tradeoff, why did the department rescind the retrenchment notices? There are at least two reasons. First, the retrenchment issue had consumed a large portion of the energies of all parties concerned for approximately the past nine months. It is likely that the department was eager to put the matter to rest. The second, and possibly most important reason, was economic. The fiscal circumstances of the state colleges had changed somewhat since the retrenchment process had begun. In spring of 1975, when it looked like the colleges were going to have to operate on a \$150 million budget, 1975-76 promised to be a very austere year. However, in September 1975 the state colleges picked up an extra \$5.4 million from the governor's special line item for negotiated salary increases. In January 1976, the colleges picked up an additional \$3

million in supplemental appropriations (House Bill 1333 of 1976). Moreover, according to one departmental official, the colleges achieved some significant belt tightening in nonpersonnel areas during fall 1975 and winter 1976. Finally, the salary settlement was relatively modest, and this too took some of the financial pressure off the colleges.

A Tentative Three-Year Action Plan for the State Colleges

There is one additional series of events during the period from fall 1975 to winter 1976 that require some scrutiny, namely, an apparent attempt by the chief of the department's Bureau of Academic Affairs to employ the planning process to alleviate some of the financial pressures on the colleges and to promote the department's programmatic goals for the colleges.

As explained in Chapter III, the Department of Education initiated a new planning process for the state college system in 1973, in which each college was required to submit institutional masterplans focusing on the program areas they wished to strengthen or develop. After APSCUF protested that they were being excluded from the planning effort (summer 1973), the department decided to enlist APSCUF's support and participation by including them both in the campus planning efforts and in a systemwide planning commission which was to orchestrate the state college planning effort at the state level.

The outcome of the initial planning effort was a systemwide document, dated January 1975, that outlined a statement of new missions for each of the state colleges. Each college was given one of four general academic missions (human services, public administration, technologies, or business) and a list of new program areas (degree programs) for which it could submit proposals (BSCUD *Minutes*, January 23, 1975). By April 30, 1975, each of the colleges had submitted an "action plan" that outlined the colleges goals for the next three years. The new missions and institutional action plans constituted a small step in the direction of institutional specialization sought by the Department of Education (Hornbeck, 1974, p. 16).

Around this time, the retrenchment issue began to consume the major energies of the department and the colleges. During the summer of 1975, the Bureau of Academic Programs within the department conducted a review of the three-year action plans and submitted their recommendations to the BSCUD. The BSCUD, however, was dissatisfied with the departmental review and returned it to the Bureau of Academic Programs for further analysis.

In December 1975, reportedly with only minimal consultation with the State College Planning Commission, the BSCUD, and her colleagues within the department, the chief of the Bureau of Academic Programs released a document entitled "Tentative Assumptions 1976 Three Year Action Plan." The major assumptions outlined in this document were: First, the total enrollments of the state colleges would remain stable for three years. Second, state funding for program purposes during these three years would remain stable, with appropriations increases only for inflation and negotiated contract expenses. Third, groups of state colleges within each of three geographical areas would submit plans for program consolidation and articulation to the Board of State College and University Directors no later than September 1, 1976. Fourth, highly specialized programs (e.g., certain foreign languages) would be consolidated among the fourteen institutions to establish a smaller number of programs serving area rather than local needs. Fifth, the department would accept new program applications only if the program fell within the special mission of the college as established in January 1975. Sixth, new construction projects not yet out for bid would be terminated unless specifically required for the college's special mission.

APSCUF and the college presidents reacted quickly and strongly against these "tentative assumptions." On December 17, the presidents, via the Commission of State Colleges and Universities (CSCU) of the Pennsylvania Association of Colleges and Universities (PACU), issued a resolution "rejecting and repudiating" the document. APSCUF blasted the assumptions in its December 1975 newsletter. On January 9, 1976, Commissioner of Higher Education Jerome Ziegler told the Board of Presidents that the "tentative assumptions" document was only a draft and, further, that the

basic points of view expressed in the document were primarily reiterations of departmental positions that had already been articulated at some time in the past (Board of Presidents *Minutes*, January 9, 1976). At the same meeting, the presidents were assured that their comments would be incorporated into the next draft.

Despite departmental caveats, however, the "tentative assumptions" document caused such a furor among the state colleges that Representative William Shane, Chairman of the House Higher Education Subcommittee, took the rather unusual step of convening a public hearing on the document on February 3, 1976 (*APSCUF Newsletter*, February 1976). State college administrators, students, and faculty leaders all testified that the proposed three-year action plan would have negative effects on the state colleges. In response, members of the subcommittee reportedly suggested that there was neither public nor political support for the position of the state colleges in this matter. Among other reasons, the declining job market for college graduates provided strong logic for cutbacks in state public higher education programs. According to a department of education official, the subcommittee took no action on the plan. Representative Shane merely "scolded" the department for the manner in which the plan had been developed and distributed. He scolded the colleges, in turn, for failing to achieve the level of efficiency called for in the document. However, Senator Jeannette Reibman, Chairman of the Senate Education Committee, publicly opposed the plan (*APSCUF Newsletter*, February 1976).

The events which followed the Shane subcommittee hearings indicate that the Department of Education decided to set aside the tentative assumptions. Although Commissioner Ziegler had previously suggested to the Board of Presidents (*Proceedings*, January 9, 1976) that the assumptions represented no basic change from the views he and the secretary had expressed in the past, Ziegler issued a new memorandum to the presidents on March 8, 1976, that essentially ignored the tentative assumptions. Ziegler indicated that with the retrenchment issue now out of the way it was time to reassess the progress of the state college planning effort. He rescinded a previous directive that the colleges submit new three-year action plans for 1976-1978 by May 1 and requested instead that they

submit "status reports" on what had been accomplished thus far. The commissioner added, however, that serious thought needed to be given to the implications of stabilizing resources and the need for systemwide planning and cooperation, institutional specialization, and program consolidation and complementarity. Although it is clear that the department was not abandoning some of the basic assumptions and concepts in the "tentative assumptions" document, probably the most significant point here is that, with the settlement of the retrenchment issue and the salary negotiations and the withdrawal of the "tentative assumptions" document, the colleges and the faculty union had successfully weathered their first major period of crisis since the adoption of faculty collective bargaining in 1971.

Interregnum

Although by no means unimportant, the final period to be covered in this monograph (spring-fall 1976) is probably best characterized as one of consolidation for all the major parties in the state college collective bargaining relationship. Among other things this period witnessed the resignation of four key individuals—APSCUF Executive Director Martin Morand, Secretary of Education John Pittenger, Executive Deputy Secretary David Hornbeck, and Commissioner of Higher Education Jerome Ziegler.

There is no simple way to structure a review of this period, for events have not flowed in a smooth chronological sequence since spring 1976. Probably the simplest way to examine the period is to look at what has happened on the "union" and "management" sides, respectively.

On the union side there have been at least two major issues worthy of note. The first is the organizational and leadership changes that have taken place within APSCUF. The second is APSCUF's disaffiliation from PSEA. With regard to relationships within APSCUF, it should be recalled that there have always been some tensions within the organization, i.e., between the central and local organizations. However, it is probably accurate to suggest that the tensions within APSCUF during 1976 were of greater consequence than had previously been the case.

To review the internal politics of APSCUF during 1976, it is necessary to go back at least to the February 1976 meeting of the APSCUF legislative assembly. At that session, motions were placed on the agenda to withdraw Executive Director Martin Morand's voting privileges on the Executive Council and to add three members-at-large to the Executive Council. Although the latter of the two was ultimately the only motion passed, the concerns of the membership were nonetheless apparent. The confidence crisis within APSCUF during February 1976 was sufficient to generate some concern within the department of education over Morand's continued ability to serve as chief spokesman for APSCUF. As Morand later divulged, the department went so far as to approach two APSCUF leaders with a salary offer that had been rejected by Morand (*APSCUF Newsletter*, May/June 1976).

According to Morand, APSCUF's leadership responded by convening a meeting of the APSCUF negotiating team, the meet and discuss team, and the Executive Council. This group decided to provide the Department of Education with written confirmation of Morand's authority to speak for the organization. The document in question was forwarded to the department on March 8, 1976 (*APSCUF Newsletter*, May/June 1976). APSCUF took the additional step of submitting an unfair labor practice charge to the PLRB alleging that the Commonwealth's "back door" offer constituted an unfair practice (*APSCUF Newsletter*, July 1976). Shortly thereafter (March 17) APSCUF and the Commonwealth achieved a settlement on the salary and retrenchment issues.

This, however, was not the end of the internal tensions within APSCUF. In April 1976, a group of local APSCUF leaders and legislative assembly delegates began a movement to dismiss Morand. The May/June 1976 issue of the *APSCUF Newsletter* contains a reproduction of a memorandum circulated during April which enumerates a series of questions about Morand's continued usefulness to APSCUF. The memorandum was circulated in preparation for a possible move to dismiss Morand at the April 29 legislative assembly meeting in Seven Springs, Pennsylvania. At that meeting Morand, as well as all other elected central APSCUF officers, stood for election. Morand's opponents succeeded in blocking a Morand

victory on the first two ballots and Morand was reelected by a one vote margin on the third ballot. Shortly thereafter, Morand announced his resignation, effective September 1, 1976, on the basis that he no longer held a clear mandate to speak for APSCUF:

The union's power is *only* whatever flows from the trust and support of the membership. For unions the ultimate power is the ability to call a strike. And that, like all of the collective actions it may undertake, is successful *only* when it enjoys membership support. The ultimate in union power is the ability not to have to take strike or any other action and that occurs only when management is convinced that when the union leadership *says* it speaks for the membership, it does so. It is a matter of credibility.

For years I have, right or wrong, enjoyed that credibility; whether with the governor or legislature, OA or PDE, they assumed that I spoke for APSCUF. Suddenly this spring that is no longer true (*APSCUF Newsletter*, May/June 1976).

It is difficult to judge precisely why such significant opposition against Morand arose in spring 1976. Under Morand's leadership, APSCUF had done well by its membership—particularly from an economic and job security standpoint. Perhaps the opposition to Morand is most effectively articulated by one of his supporters, APSCUF President Richard A. Hazley:

Martin Morand is contentious, moody, manipulative. He plays one side against another. He is prone to engineering situations to the extent of overkill. And he has a habit of appearing to ignore or slight people when they are not useful to a particular situation. He frequently does not consult before taking action. If he had deliberately set out to make people insecure, left out, or offend the gentility of academia, he could not have succeeded any better than he has. He has been at odds with his staff and with much of the leadership of APSCUF. He is, in short, a difficult person to work with. (*APSCUF Newsletter*, May/June 1976.)

Perhaps the opposition to Morand existed among autonomy-conscious campus leaders all along. Perhaps in the spring of 1976, with things somewhat stabilized, Morand's opposition felt that APSCUF

could now survive without the strong, personal, centralized form of leadership represented by Morand.

Whatever the precise configuration of reasons for Morand's departure, it is evident at this writing that the complexion of APSCUF's leadership has changed since Morand left. The chief executive role is now being played by APSCUF's elected president, Richard Hazley, who is committed to APSCUF activities on a full-time basis for the duration of his elected term of office. The top staff position is held by Ramelle McCoy, formerly the number two staff person under Morand. By-law changes are under consideration that would decrease the formal authority of the top staff person. Perhaps more important, however, it is already clear to Department of Education officials that, operationally, APSCUF is no longer as centralized as it once was under Morand.

The second major issue that has arisen on the APSCUF side of the collective bargaining relationship since April 1976 has been the deterioration of APSCUF's relationship with the PSEA (*Chronicle of Higher Education*, February 28, 1977). There have been periodic disagreements between APSCUF and PSEA for several years, but the series of events which led ultimately to a termination of the APSCUF-PSEA affiliation probably originated in January 1976. In late 1974, APSCUF and PSEA negotiated an affiliation agreement that was designed to remain in effect unless and until one or both of the organizations chose to reopen it. In January 1976, APSCUF exercised its right to reopen affiliation discussions.

The major issue was as follows. APSCUF remitted full dues to PSEA/NEA out of the money collected from the state college faculty. In return, the PSEA was supposed to rebate one-third of these dues in cash and one-third in "identifiable services." In the opinion of APSCUF, PSEA was not providing the level of services agreed to. From the APSCUF perspective, the negotiations with PSEA between January and April 1976 progressed in a seemingly positive vein. In April, however, PSEA started indicating that it was having trouble with APSCUF's demands. At the next APSCUF legislative assembly meeting (April 29, 1976-May 1, 1976), a motion was passed to continue the affiliation but to submit items that could not be mutually resolved to arbitration.

The problem with the arbitration approach was that APSCUF wanted to use the 1974 affiliation agreement with PSEA as a point of departure. PSEA, in contrast, insisted that the arbitrator's point of departure should be the standard PSEA agreement with its locals. After this, the affiliation discussions became increasingly difficult.

In July, APSCUF forwarded to PSEA a set of five alternative courses of action—ranging from total disaffiliation to a reaffirmation of the dues-for-services arrangement. Around the same time, PSEA announced that it would declare the end of the affiliation agreement if a satisfactory arrangement had not been identified by September 1, 1976. Finally, during August, PSEA informed APSCUF that they would no longer be able to use office space in the PSEA headquarters. APSCUF acted quickly and secured a new building of its own by September 1.

At the September 1976 legislative assembly meeting, the assembly voted to adopt a resolution by the APSCUF affiliations committee that essentially disaffiliated APSCUF from PSEA. Around the same time APSCUF stopped sending the monthly portion of dues that normally went to PSEA. PSEA responded by filing a request with the Department of Education to "impound" that portion of APSCUF dues that was due PSEA. The department and the Governor's Office of Administration, however, responded that formally speaking the collective bargaining agreement was between the Commonwealth and APSCUF. The Commonwealth would not, therefore, become involved in a dispute between APSCUF and PSEA (*APSCUF Newsletter*, October 1976).

At this writing (May 1977) the APSCUF Affiliations Committee has negotiated tentative affiliations agreements with both the AAUP and the AFT. Both agreements are scheduled for an APSCUF membership referendum during summer 1977. In the meantime, a rival state college faculty association, the College and University Faculty Association (CUFA), which is supported by PSEA, claims to have enough signature cards from the state college faculty (30 percent) to call for an election to decertify APSCUF (*Harrisburg Evening News*, May 12, 1977). It is not possible at this point to predict how these matters will be resolved.

On the management side of the collective bargaining relationship, during the period from spring to fall 1976, there were at least two major issues that merit some attention. The first was a series of leadership changes that occurred in the Department of Education. The second was an apparent effort on the part of the state college presidents to recoup some of the influence that they had lost as a result of their rather modest participation in the central collective bargaining relationship between 1971-1975.

Among the leadership changes in the department of education, the most important were the resignations and departures of three of the department's top leaders—Secretary John Pittenger, Deputy Secretary David Hornbeck, and Commissioner of Higher Education Jerome Ziegler, during the second half of 1976. In the opinion of several observers, these resignations created a leadership vacuum in the department and a loosening of the strong centralized policy-making role of the department vis-a-vis the state colleges, which will be covered later. In addition, however, there were some apparent attitudinal changes and shifts of influence among these three departmental leaders prior to their departures.

The first attitudinal change was a shift in Secretary Pittenger's posture toward the state colleges. As previously noted, when Pittenger assumed office, one of his goals was to improve the quality of the state colleges. He and Deputy Secretary Hornbeck shortly thereafter (1973) decided that the collective bargaining process was a potentially useful mechanism for a further centralization of policy making in the state college system and could therefore be used as a means to accomplish the department's goals for the colleges. According to one key observer, Pittenger never abandoned the goal of a high quality state college system, but during his last year in office (1976), Pittenger readopted an earlier conviction that the state colleges should not be governed by the Department of Education.

One of the major concrete outcomes of Pittenger's new posture was his renewed support for the Commonwealth University bill in early 1976. The Commonwealth University bill (now the "Keystone State University" bill) was designed to create a system-wide board of regents and a central administration for the state

college system. In early 1976, the Commonwealth University bill had already been a subject of debate within and outside the legislature for about three years. One of the major issues was the appropriate authority relationships among the various parties that would play a role in governing the state colleges under the new arrangement—a series of relationships that had been marked for several years by a considerable amount of ambiguity.

In February 1976, somewhat to the surprise of a number of observers, Pittenger proposed a series of amendments to the Commonwealth University bill, which was then sitting in the Senate Education Committee. The major feature of the amended bill was a strong and relatively independent Commonwealth University board and central administration, modeled to an extent after Pennsylvania's state-related universities. Among other things, the amended bill removed the state colleges from the direct control of the Department of Education and the Office of the Budget and made no explicit mention of a labor relations role in the state colleges for the Governor's Office of Administration. Pittenger has now left the Department of Education, and the amended Commonwealth University bill faces very strong opposition from the Office of Administration and the Office of Budget. Most observers now give the bill only a modest chance of passage, at least in its current form. Nevertheless, the "Pittenger amendments" to the Commonwealth University bill in 1976 remain an important final episode in the often strained five-year relationship between Pittenger and the state colleges. The relationship between the state colleges and the new secretary of education has yet to unfold.

The other important change that occurred in the department of education during the second half of 1976 was the departure of Deputy Secretary David Hornbeck and as one observer expressed it, the brief "renaissance" of Commissioner of Higher Education Jerome Ziegler's influence in the department. During the period when Pittenger and Hornbeck attempted to use collective bargaining to accomplish some of their goals for the state colleges (approximately 1973 to 1975), an effort in which Ziegler was not intimately involved, the major role of the commissioner vis-a-vis the state colleges appears to have been the state college planning effort. As

previously noted the statewide planning effort met with a number of obstacles and delays during the period from 1973 to 1976 and as yet probably cannot be called a major success, at least at the systemwide level.

Following (and possibly somewhat before) Hornbeck's resignation, it is apparent that Zeigler's influence within the department increased to some extent. One respondent has suggested that Zeigler played an important role in persuading Secretary Pittenger to introduce the above mentioned amendments to the Commonwealth University bill.

Another major initiative in which Zeigler apparently played a key role prior to his departure was a decentralization of program approval authority in the state college system. Although funds for the development of new programs have been limited in recent years, the state college planning effort initiated in 1973 has on occasion required the development and evaluation of new degree programs. Traditionally, the department has played a central role in the evaluation and approval of new programs proposed and developed by the state colleges. In March 1975, however, Commissioner Zeigler told the state college presidents that he and the secretary favored a decentralization of the program approval process, wherein the department would focus its efforts on assuring that there were adequate mechanisms for program review and approval at the campus level (Board of Presidents *Proceedings*, March 7, 1975). Following a delay of over a year, no doubt as a result of the retrenchment process, a member of the Office of Higher Education staff announced to the presidents in April 1976 that they had begun to work on a decentralized program approval system (Board of Presidents *Proceedings*, April 1, 1976). At this writing, it is anticipated that guidelines for the implementation of the decentralized program approval process will be submitted to the BSCUD in July 1977.

Although the final outcomes of the Commonwealth University and program approval proposals are not yet clear, they are important symbols of the environment that apparently existed in the Department of Education between spring and fall of 1976. The environment was produced, in part, by the changing posture of Pittenger and the increased influence of Ziegler and, in part, by the

resignations and subsequent departures of Pittenger, Hornbeck, and Ziegler. Following these resignations (early summer 1976), even though Pittenger and Ziegler did not actually depart until several months later, several observers have noted a "leadership vacuum" in the department that reportedly persisted until the appointment of the new secretary of education in the spring of 1977. The final question that needs to be raised in the present context is whether the combination of attitudinal changes reported above and the alleged leadership vacuum had any impact on the position of the state college presidents, who had experienced a clear loss of influence between 1971 and 1975.

In order to assess the role of the state college presidents in systemwide decision making between 1975 and 1977, it is necessary to retrace a few steps that have already been covered. The nadir of presidential influence at the systemwide level was probably the negotiation of the second faculty contract in 1974. At that point, the cooperative relationship between the Department of Education and the central APSCUF organization had the effect of minimizing the influence of the state college presidents.

When the retrenchment issue arose in spring 1975, however, it placed a severe strain on the relationship between APSCUF and the department. For all practical purposes, the retrenchment process forced an alignment of APSCUF and the presidents in opposition to the department. At least some of the state college presidents were consulted in the development of the retrenchment guidelines (Board of Presidents *Proceedings*, April 10, 1975), but most of our respondents suggest that the presidents had relatively little influence over the guidelines. The primary accomplishment of the presidents during the summer of 1975 was the development of retrenchment Plan C, which minimized the need for involuntary retrenchments. Indeed, seven of the colleges were able to develop cost saving plans which avoided the need for involuntary retrenchments altogether.

Although the presidents were represented on the departmental policy committee which supported departmental negotiations over faculty salaries (and implicitly retrenchment) in the months that followed, one observer has characterized the presidents as essentially "by-standers" during the negotiations. On the other hand, the

ultimate approval authority for systemwide salary increases resides in the governor's office, and the salary settlement was essentially decided by an arbitrator, so the presidents did not lose much through their lack of participation in the negotiations.

During the same period (February 1976), the state college presidents accomplished another important and long standing goal—i.e., presidential representation in statewide meet and discuss meetings. Although one cannot point to any major concrete outcomes as a result of presidential participation in meet and discuss meetings thus far, this was an important symbolic achievement for the presidents. It meant, in essence, that the presidents were no longer "odd man out" in the ongoing process of interaction between the department and APSCUF.

The final aspect of the role of the presidents in the recent past that requires brief attention is the role of the Commission of State Colleges and Universities (CSCU) of the Pennsylvania Association of Colleges and Universities (PACU). The history of the CSCU dates back to the 1960s, at which time under the tenure of Commissioner of Higher Education Frederick Miller, the CSCU served as a "caucus" of the state college presidents within the Board of State College and University Presidents. However, it was not until March 1975 that the presidents obtained permission to hire a staff for the CSCU that would be independent of the Department of Education. At that time, the presidents engaged former Deputy Commissioner of Higher Education Warren Ringler as the first executive secretary of the CSCU.

Since that time, the CSCU has played a number of important roles. First, Ringler who is a well regarded former member of the state bureaucracy is able to monitor events and represent the state college presidents in a variety of state level arenas (the Department of Education, the legislature, etc.) Second, the availability of an executive secretary has facilitated communication among the presidents regarding events in the state capital on an almost day-to-day basis. Finally, and perhaps most important in the opinion of one president, the commission has enabled the presidents to "operate more as a group." Another president believes that the presidents, acting in concert through the commission as well as other mech-

anisms, played a key role in "squelching" the "tentative assumptions" plan discussed in an earlier section of this chapter.

Summary

This chapter has covered the period January 1975 to fall 1976. The chapter may be summarized as follows.

Following an unusually severe cut in the state college budget request for the 1975-76 fiscal year by the governor's office in early 1975, the Department of Education initiated retrenchment proceedings in the state colleges. Through a process of adjustments in nonpersonnel budgets over the summer of 1975, the original (June 30) retrenchment list of 1,300 persons (including nonfaculty) was cut down to 500, 300 of which consisted of voluntary retirements and positions collapsed through natural attrition.

In September 1975, 200 state college employees (including eighty-two faculty) received letters of involuntary retrenchment. APSCUF contested the involuntary retrenchment of the eighty-two faculty members via a series of grievances. In the first grievance, APSCUF charged that the governor had not requested sufficient funds to cover negotiated faculty salary increases. The PLRB initially ruled that the state administration had to submit to binding arbitration to determine whether or not it had requested adequate funds. Although this ruling was later reversed, it probably placed some pressure on the state administration during the retrenchment and salary negotiations. On the other hand, APSCUF lost the next two grievances. An arbitrator ruled that the Commonwealth did not have to prove financial exigency in order to retrench and that tenured faculty were not protected from retrenchment. The need for arbitration of the remaining grievances was precluded by the salary-retrenchment settlement described below.

While the parties were engaged in the retrenchment grievances, they were also involved in salary negotiations. Ultimately (March 1976) the Commonwealth was successful in holding across-the-board faculty salary increases to 3.83 percent for 1975-76 and 4 percent for 1976-77. In conjunction with the salary settlement,

however, Secretary Pittenger rescinded the eighty-two faculty retrenchment letters.

During the same period that the salary and retrenchment negotiations were proceeding, the Bureau of Academic Programs in the Department of Education issued a draft "action plan" that would have stabilized state college enrollments and allocations for at least three years. In March 1976, following a strong negative reaction from all state college constituencies, the commissioner of higher education quietly dropped the plan and called for a reassessment of all state college planning efforts to date.

The period between spring and fall 1976 and thereafter has been a period of consolidation and regrouping for each of the major parties to the state college faculty collective bargaining relationship. ASPCUF has worked to restructure both its internal and external relationships. The Department of Education has experienced an almost complete turnover of leadership. The relationships that will emerge under the department's new leadership are not yet clear. Finally, the state college presidents have had an opportunity to regain some of the influence at the systemwide level that they lost during the period from 1971 to 1975. Because of the many changes that have taken place during 1976 and 1977, the long-run consequences of the presidents' efforts remain to be seen.

CHAPTER V

SUMMARY AND CONCLUSIONS

As indicated in Chapter I, the purpose of this study has been to explore the impacts of faculty collective bargaining on state-institutional governance relationships by examining the case of the Pennsylvania State Colleges and University.¹ Chapter II provided a backdrop for examining the consequences of faculty bargaining by describing the governance of the state college system prior to the adoption of faculty bargaining in 1971. Chapter III examined the initial experience with faculty bargaining in the Pennsylvania state college system at both the state and campus levels (1971-1974). The dominant systemwide trend during this period was the gradual evolution of a cooperative relationship between the two major state level parties, i.e., APSCUF and the Department of Education. In January 1975, however, the governor's office made a substantial cut in the state college budget request for the 1975-1976 fiscal year, to which the Department of Education responded by initiating re-trenchment proceedings in the state college system. Chapter IV describes the process by which APSCUF, now aligned with the colleges, sought (successfully) to eliminate involuntary faculty re-trenchment. Each of these chapters has a summary that need not be repeated here.

The task that remains is to assess the impacts of faculty collective bargaining on state-institutional relationships in the Pennsylvania state college system by analyzing the events recounted in the last three chapters. One of the major observations that emerges from this study is that neither the state government nor the campus is a monolithic, homogeneous organization. Rather, each is comprised of a variety of constituencies with somewhat different interests and sources of influence. The interests and influence of the Department

¹While the present study was in progress, case studies of state-institutional relations under collective bargaining were conducted in the following eight states: Alaska, Hawaii, Massachusetts, Michigan, Montana, New Jersey, New York, and Pennsylvania (see Mortimer, 1976). The process of comparing the experience in these eight states has already begun (see Mortimer and Johnson, 1976a and 1976b and Weinberg, 1976).

of Education, for example, differ from those of the legislature. The interests and influence of a campus administration, in turn, often differ from those of the faculty. Indeed, the interests of the faculty union may sometimes differ from those of its rank and file membership.

In order to capture the complexity of the state college and university governance system and of the impacts of collective bargaining on that system, this chapter will examine the consequences of collective bargaining for the interests and influence of each of the major constituencies in the system: the governor's office, the legislature, the Department of Education, the Board of Education, the Board of State College and University Directors, state college trustees, administrators, and faculty, and the state college faculty union (APSCUF). The examination of each constituency will be comprised of three major elements: (1) the prebargaining governance role of the constituency; (2) the interests and goals they have pursued since 1971; and (3) the extent to which their success or failure in promoting these goals can be attributed to collective bargaining. The concluding section of the chapter will summarize the major impacts of collective bargaining on the governance of the state colleges and university system.

The Governor's Office

The governors of the 1960s were highly supportive of the growth and development of public higher education in Pennsylvania. Two governor's commissions in the early 1960s were largely responsible for the expansion of Pennsylvania's public system of higher education and the development of a new higher education coordination structure. In 1971, however, the Shapp administration made it clear that the governor's office intended to exercise greater control over higher education growth and development.

The goals of the Shapp administration in the area of public employee relations have been to minimize the proliferation of public employee bargaining units, to maintain central control over public employee negotiations, and to promote positive public employer-employee relationships. The major difficulty encountered by the administration has been in orienting middle management to

the collective bargaining process. In the case of the state colleges, the governor reportedly placed some pressure on the Department of Education to develop a working relationship with APSCUF.

With respect to higher education, the goals of the Shapp administration have been to exercise greater control over higher education spending, to promote more comprehensive education planning, and to eliminate duplication and waste. The governor's office has employed its role in the budgetary process to hold down the state college budget. Higher education planning and the reduction of program duplication have been the responsibilities of the secretary of education.

Collective bargaining has not resulted in a radical change in the influence of the governor's office in Pennsylvania. The state administration has employed collective bargaining to promote the rationalization and standardization of public employee policies and to expand the role of the state executive (vis-a-vis the legislature) in formulating public policy. However, the dominant role of the state executive branch in the collective bargaining process does not represent a radical departure from the general relationship between the state executive and the legislature in recent years.

The Legislature

The Pennsylvania legislatures of the 1960s were also generally supportive of higher education growth and development. The primary vehicle for legislative influence in the area of higher education, as well as most other areas, is the appropriations process. Although the legislature passed some important legislation affecting both the state colleges (Act 13 of 1970) and public employee relations (Act 195 of 1970), the evidence suggests that these were largely the initiatives of the state executive.

The major goal of the legislature in enacting Act 195 of 1970 was to introduce a semblance of order into the state's public employee relations. In the present context, the essential points regarding legislative involvement in public employee relations are that the prospect of faculty collective bargaining was not a major concern at the time Act 195 was passed, and thus far, the legislature

has accepted the state administration's position that public employee relations is an executive function. In the area of higher education, since 1970, the legislature has been less receptive to requests for increased higher education appropriations. As of FY 1976-77, however, the state administration has taken most of the initiative in holding down the state higher education budget.

To what extent has collective bargaining affected the legislature's influence over public employee and higher education policy? The data collected in this investigation would suggest that the shift has been rather minimal. The state executive has employed collective bargaining to increase executive control over the distribution of state employee benefits. Collective bargaining has also resulted in a shift in the locus of decision making in some personnel matters (e.g., leave, promotion, and seniority policies, per Act 225 and Act 226 of 1974). However, the legislature has *chosen* not to become involved in public employee bargaining, and it has *approved* the transfer of the personnel policies noted above to executive jurisdiction. With regard to the legislature's role in higher education, the legislature has always played a less direct role than the state executive.

The Department of Education

The Pennsylvania Department of Education has traditionally played a strong regulatory role vis-a-vis the state colleges. Moreover, the higher education staff in the department was expanded after 1966 with the creation of the Office of Higher Education. There has also been a tradition of a strong executive role on the part of the secretary of education, who is a cabinet member appointed by the governor. The events of the past seven years have, for the most part, preempted the objective of Pennsylvania Act 13 of 1970 to increase state college and university autonomy from the department.

The goals of the department between 1972 and 1976 must be viewed in the context of Secretary Pittenger's administrative and ideological ties with Governor Shapp. Pittenger, who described himself as the "governor's man" in the field of education, pursued the state administration's goals of more comprehensive higher education planning and the reduction of program duplication. In addition,

Pittenger had a personal commitment to improving the overall quality of the state colleges. In order to promote these general priorities, he centralized decision making within the department, sought program control over all colleges and universities receiving state funds, and employed the mandate in Act 224 (1972) to promote both state-level and institutional planning.

Beginning in 1973, the department, more specifically Secretary Pittenger and Deputy Secretary Hornbeck, attempted to use the central collective bargaining relationship and the planning process to centralize decision making and to promote their goals for the state colleges, which were to improve the quality of the colleges as undergraduate teaching institutions, to redefine and articulate their missions, and to standardize state college personnel policies. However, the implementation of new state college missions has been hampered by budgetary difficulties; the cooperative relationship with APSCUF has been strained by the confrontation over retrenchment; and the plan to stabilize state college growth and articulate their missions on a regional basis was set aside in the face of strong opposition from both APSCUF and the college administrations. In short, the department has succeeded in its state college planning efforts only in small increments.

A senior departmental official suggests that Pittenger could not have achieved the same level of centralized decision making without the centralized collective bargaining relationship. However, the *absence* of collective bargaining would not have eliminated the other essential ingredients in the relationship between the colleges and the department under Pittenger—i.e., the priorities of the state administration, the strain on state resources, the prebargaining role of the department, and the strained professional relationship that existed between Secretary Pittenger and the state college presidents.

The Board of Education

The Pennsylvania State Board of Education was created in 1963, in part, to increase lay control over the Department of Education (then the Department of Public Instruction). The board's master plans of 1967 and 1971 were instrumental in shaping some

important state policies: (a) the division of labor among the state's publicly funded institutions (1967); and (b) the policies of including private higher education in state planning and giving priority to student aid to make optimal use of private higher education facilities (1971).

Since 1971, however, the state board has not played a major role in formulating state higher education policy. Collective bargaining has not substantially affected the board's role, except insofar as it has expanded the already dominant executive role of the secretary of education in establishing state college policies. The board's role in higher education governance is still hampered primarily by its lack of control over the secretary of education, the absence of an independent board staff, the breadth of the board's mission, and the dominance of basic education concerns on the board's agenda.

The Board of State College and University Directors

The BSCUD was created by Act 13 of 1970 as part of a plan to increase coordination of the state colleges and Indiana University of Pennsylvania and, at the same time, remove the coordination function from the Department of Education. The board essentially had no prebargaining role. Its first meeting was held in January 1971, the same month in which ASPCUE submitted a petition to the PLRB for a faculty collective bargaining election in the state colleges. The board's lack of influence since 1971 may be attributed, in part, to its lack of participation in the collective bargaining process. However, the board's lack of influence is primarily a function of its lack of independence from the Department of Education.

The State College Boards of Trustees

The Pennsylvania state colleges' boards of trustees have always been relatively weak institutions. Their primary functions have been community relations, reviewing annual budget proposals, approving major expenditures, and conducting presidential searches. The local boards have been neither interested, involved, nor significantly affected by faculty bargaining.

State College Administrators

Throughout the 1960s, the governance of the Pennsylvania state colleges was characterized by increasing external controls and a gradual movement on some campuses toward increased formal faculty participation in governance. However, before 1970, the Board of State College and University Presidents played an influential role in the formulation of systemwide educational, financial, and personnel policies, and college administrators retained substantial control over most areas of internal governance.

Since 1960, the major interests of the state college presidents have been to develop their institutions into multipurpose colleges or universities and to achieve greater autonomy from the Department of Education and other state agencies. Between 1960 and 1970 the colleges experienced significant diversification and expansion. Initially, Act 13 of 1970 held some promise for greater state college autonomy. However, a shift in state priorities around 1971 signaled the end of the expansion period and the erosion of the plan for state college autonomy outlined in Act 13.

The presidents were not major participants in the systemwide collective bargaining relationship between 1971 and 1975. They were faced with administering two faculty contracts over which the board of presidents exercised relatively little influence. However, despite the common contract and the systemwide lack of campus expertise concerning collective bargaining, there was substantial variation in the degree of success with which the state college presidents operated their institutions under collective bargaining.

A senior official in APSCUF and a senior official in the Department of Education both suggest that the state college presidents "lost" more than any other participant during the period 1971-1975. The data in this report tend to support this observation, but there are a few caveats. First, Act 13 changed the formal policy-making role of the board of presidents before collective bargaining was adopted. Second, as already noted, there were many other important ingredients in the basically negative relationship between the presidents and the Department of Education between 1971 and 1975. Third, collective bargaining has been only one of several

related factors that have affected campus administration and the role of administrators in recent years. Foremost among the other factors has been the financial pressures experienced by the colleges, which can be attributed only in part to collective bargaining. Finally, there is evidence that, since 1976, the presidents have attempted to regain some of their former influence at the systemwide level.

The Faculty

The Pennsylvania state college and university faculty did not have a significant formal role in campus governance in 1960. There were some signs of increased formal faculty participation in campus governance toward the end of the 1960s—due, in part, to the influx of new, less autocratic state college presidents. However, control of decision making continued to reside primarily with the administrations, and many faculty viewed the senates of the late 1960s as ineffective. At the state level, there is some evidence that APSCUF had begun to engage in effective lobbying activities prior to 1970.

Surveys of state college faculty shortly before and after the bargaining agent election in 1971 indicate that the primary goals of the faculty, in adopting collective bargaining and electing APSCUF, were increased economic benefits and greater influence in the state capital (Flango and Brumbaugh, 1974 and Lozier and Mortimer, 1974). Participation in campus governance appears to have been a secondary concern for the average faculty member.

The faculty gained substantial economic benefits from the first (1972) contract. However, the financial settlements for 1974-75, 1975-76, and 1976-77 were at the lower end of the state "pattern." Moreover, the faculty lost the traditional merit system in the 1974 contract, and there has been a significant cutback in faculty positions via nonreplacements. In the area of campus governance, the faculty also gained formal faculty participation in faculty and department chairperson appointments and in promotion and tenure decisions.

The data presented in this report suggest the following observations about the benefits that have accrued to the average faculty member as a result of collective bargaining. First, while the faculty

gained substantial economic benefits from the first contract, these gains were not out of line with increases planned and implemented across the public sector in Pennsylvania during the early 1970s. Second, although formal faculty participation in personnel decisions has increased, the significance of participation in promotion and tenure decisions seems less significant since tenure and, until recently, promotion have always been nearly automatic. Third, there has been no noticeable increase in the number of faculty who are interested and involved in campus governance.

The Central APSCUF Organization

Relatively little information was obtained in the present investigation about the prebargaining activities of APSCUF. However, a few state level respondents indicated that APSCUF had begun to develop an effective lobbying capability prior to 1970. Indeed, there is some evidence that this was a factor in APSCUF's victory in the bargaining agent election.

The major goals of the central APSCUF organization (the executive director, executive council, and central committees) since 1971 have been (a) to become a major participant in state level decision making, (b) to maintain maximum autonomy from PSEA without losing PSEA's political support, and (c) to maintain a degree of flexibility and discretion in developing APSCUF bargaining policies.

With regard to the first goal, APSCUF has been largely successful in asserting its role as a participant in state level decision making. In addition to its working relationship with the Department of Education, APSCUF has also attempted to develop influence with other constituencies in the state capital. The Shapp administration has been basically supportive of APSCUF. In the legislature, APSCUF has maintained a lobbying effort and has provided both organizational and financial support for legislative election campaigns. In addition, APSCUF has cultivated relationships with PSEA, AFSCME, and the Commonwealth Association of Students. From the perspective of spring 1977, however, it would appear that APSCUF has permanently severed its ties with PSEA and opted for

a dual affiliation with the AAUP and AFT (not yet ratified by the membership).

Internally, APSCUF was largely successful through the salary and retrenchment negotiations of 1976 in maintaining central control over APSCUF bargaining policies and state level grievance appeals. However, there has been some tension in this regard between the central and the local APSCUF organizations. The by-law changes introduced during 1976 and 1977 will probably lead to stronger legislative assembly control over the central APSCUF organization and a somewhat diminished role for the executive director.

The APSCUF Locals

APSCUF has its roots in campus-level faculty associations in the state colleges, some of which date back to 1930. However, Hall (1973) reports that the local faculty associations were not significant participants in campus governance prior to collective bargaining.

The interests of the APSCUF locals insofar as they have differed from those of the central organization, have been (a) to establish a role in campus governance, (b) to maintain a degree of control over the formulation of central APSCUF policies, and (c) to retain responsibility for some areas of policy at the campus level.

Although local collective bargaining relationships have varied somewhat, in general, the primary avenues of APSCUF participation in campus governance have been the meet and discuss arrangement, the grievance process, and formal APSCUF representation on campus planning and budget committees. There are eight campuses where faculty senates continue to play a role, at least in curricular policy and student affairs. The APSCUF locals appear to tolerate the senate role (1) because they do not want to assume the burden of processing course and program proposals; (2) because, on at least four campuses, there are close ties between APSCUF and senate leadership; and (3) because the senates have not encroached on APSCUF's territory (personnel, planning, and budgetary matters).

Concern over the centralization of decision making in the state-level APSCUF organization has not been universal among the

APSCUF locals. However, as already noted, the by-law changes introduced during 1976 will almost certainly lead to some decentralization of authority within APSCUF. With regard to local control over certain areas of policy, the PLRB overruled an unfair labor practice charge that would have required local negotiations on selected issues. However, on at least one campus the local parties have endeavored to keep local issues on campus via the meet and discuss arrangement.

Conclusions

The purpose of this study has been to explore the relationship between faculty bargaining and state-institutional relations in the Pennsylvania State Colleges and University system. The major thrust of the present chapter is that neither the state government nor the campus is a monolithic, homogeneous organization. Each is comprised of a variety of different constituencies with somewhat different interests and sources of influence. For this reason, the authors have examined the impacts of faculty bargaining on each of the major organizations and groups involved in the governance of the Pennsylvania state colleges.

Some of these constituencies were found to be neither involved nor significantly affected by faculty bargaining—e.g., the Board of Education and the state college trustees. The governor's office has employed collective bargaining to accomplish a number of goals, but the relative influence of the governor's office and the legislature does not appear to have changed radically as a result of collective bargaining. The BSCUD appears to have played a relatively minor role in state college governance, in part, because of its lack of involvement in faculty bargaining but also because of its lack of independence from the Department of Education. APSCUF and the state college faculties, in contrast, have probably been the primary benefactors of faculty bargaining, although their early achievements have not been replicated in recent years.

Among all the relationships explored, the one that comes closest to addressing the basic issue of institutional autonomy under faculty bargaining is the relationship between the Department of

Education and the state college presidents. Several points can be made about the impacts of faculty bargaining on this relationship. First, the Department of Education has always played a major role in the formulation of policies affecting the state colleges. Indeed, faculty bargaining was, in part, a reaction on the part of the faculty to state level controls over the state colleges.

Second, collective bargaining has been only one of several forces operating in the relationship between the department and the colleges in recent years. The other major forces have been financial pressures, leveling enrollments, state administration policy toward higher education, and a strained professional relationship between Secretary Pittenger and the state college presidents.

Third, Secretary Pittenger and Deputy Secretary Hornbeck clearly attempted to use the centralized collective bargaining relationship to further centralize decision making and thereby to accomplish some of their goals for the state colleges. They did, in fact, achieve a further centralization of decision making, at least between 1973 and 1975. The extent to which they achieved their programmatic goals is a matter of judgment. There is little doubt that Pittenger and Hornbeck would have attempted to accomplish the same goals even in the absence of collective bargaining, but collective bargaining did prove to be a useful mechanism for pursuing these goals.

Finally, it is clear that the impacts of collective bargaining on the Pennsylvania state college system between 1971 and 1976 were the result of interaction among many different circumstances which may never again be precisely replicated in these institutions or elsewhere. With regard to the Pennsylvania state college case, judgments about the future of the collective bargaining relationship must be withheld during the present period of transition on both sides of the relationship. With regard to any broader generalizations that may be drawn from the present study, they must be developed by comparing the Pennsylvania state college experience with that of other institutions in other states.²

²See Footnote 1 on page 71.

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APPENDIX A

RESEARCH METHODOLOGY

This study is part of a broader investigation of faculty collective bargaining in Pennsylvania, directed by Walter J. Gershenfeld of the Temple University Center for Labor and Manpower Studies and Kenneth P. Mortimer of The Pennsylvania State University Center for the Study of Higher Education during 1974 and 1975. The broader investigation involved an exploratory field study of faculty bargaining activity at forty-two colleges and universities (twenty-nine of which were then unionized), as well as a number of field trips to the state capital—directed primarily to the state college and university case (Gershenfeld et al., 1976).

With the exception of Chapter II, which is based largely on secondary materials, the primary sources of data are interviews and documentary materials. The first phase of the interviewing (November 1974-August 1975) consisted of visits to each of the thirteen state colleges and Indiana University of Pennsylvania. The field visits were conducted by members of the project staff and six consultants. The present authors participated in in-depth visits to four of the colleges. However, the present study is based on detailed field reports on all fourteen institutions.

The interviews conducted at all but one of the fourteen colleges were scheduled with the advice and assistance of the president's office (see Appendix B). At the college that was reluctant to participate, interviews were obtained with only two individuals, the academic vice president and the labor relations coordinator. In contrast, two of the colleges consented to in-depth visits (twenty-five interviews each, over a two to three day period). The remaining visits involved interviews with five to fifteen individuals (sometimes in small groups), conducted during a single work day. On the administrative side, interviews were conducted with two to five central administrators. Typically (eleven colleges), these included the college president, at least one vice president, and the labor relations coordinator. At the divisional level, at least one dean was interviewed at all but three of the colleges; one or more department chairpersons were interviewed at five of the colleges; and at one college interviews

were conducted with four deans and six department chairpersons.

On the faculty side, with the exception of one college where the APSCUF local was unable to participate because of scheduling problems, the number of interviews ranged from two to ten, including at least the local APSCUF president. The interviews conducted at ten of the colleges also included a present and/or former senate chairperson. Other faculty members interviewed included a variety of APSCUF officers and committee chairpersons, both past and present. At twelve of the colleges, an interview was also conducted with at least one student leader.

The second phase of interviewing, which overlapped the first, took place between February and October 1975. During this phase, the present authors conducted interviews with thirty-three state and association officials in the state capital (see Appendix C). In addition, one of the authors participated in a graduate seminar during October 1975, in which group interviews were held with a number of Pennsylvania state higher education officials. Since these interviews provided valuable insights into the general area of state-institutional governance relationships in Pennsylvania, the data obtained from them has been integrated into the data base for the present study. The seminar interviews are so designated in Appendix C.

The selection of state-level respondents was made primarily on a functional basis. The first category of respondents consisted of those who have been directly or indirectly involved in faculty collective bargaining in the state colleges: the lieutenant governor, the director of the Bureau of Labor Relations, the deputy secretary of education, the Department of Education's chief negotiator, the chief of labor relations for the department, the executive director of the central faculty association, and members of the first and second bargaining teams for the faculty contracts.

The second category, by far the larger, consisted of individuals who are involved in public employee and higher education policy making in general. Respondents in the legislature included many of the chairmen, ranking minority members, and/or at least one staff member from the Senate and House Appropriations, Education, and Labor Relations Committees, as well as a special

joint committee which reviewed Act 195 during 1973-74. On the administration side, those interviewed included the secretary of the budget and his staff, the secretary of education, and several officials from the Office of Higher Education. Also interviewed were a member of the Council on Higher Education, the secretary of the State Board of Education, the secretary of the Board of State College and University Directors, the executive director and staff of the Pennsylvania State Colleges and University (PACU), and the executive secretary of the PACU Commission for State Colleges and Universities.

A third series of interviews was conducted in November 1976. During this phase, follow-up interviews were conducted with the following individuals from the Department of Education: the chief negotiator for the faculty contracts; the chief of labor relations for the department; the chief of the Division of Four-Year Programs, Bureau of Academic Programs; a budget specialist in the Office of Higher Education; and the coordinator for state colleges and universities. Follow-up interviews were also conducted with the executive director of APSCUF and staff members of the House and Senate Education Committees.

The most valuable *documentary* records employed in the present investigation were the minutes of various boards and committees: The State Board of Education, the Board of State College and University Directors, the Board of State College and University Presidents, and the "meet and discuss" committees of the individual colleges.¹ These provided an ongoing account, often in some detail, of events which have transpired, as well as some insight into the attitudes and perceptions of the various groups at the time the events occurred.

Pennsylvania Labor Relations Board hearings and rulings, arbitrators' awards, and college grievance files proved to be valuable (and presumably accurate) sources of facts (names, dates, places, etc.), background information, and relevant documents (correspon-

¹The meet and discuss arrangement is a mechanism for informal union-management consultation between contract negotiations, provided for in Act 195.

dence, memoranda, position papers, etc.). Other major documentary sources included proposed and enacted legislation, budgetary documents, and collective bargaining contracts. Memoranda and correspondence, staff and committee reports, newsletters, and newspaper reports were also employed.

The limitations of the methodology just described should be noted. First, there are some limitations associated with exploratory field studies in general: they lack generalizability; replication is difficult and expensive; they do not prove (or disprove) causal relationships; and the measurement of important variables is often characterized by a lack of precision (Katz, 1953, p. 64 and Kerlinger, 1964, p. 390).

Second, this study has the following additional limitations: First, the list of participants in the governance process dealt with herein is not exhaustive. (The list of exclusions includes the courts, state boards and agencies with general administrative responsibilities that affect institutions of higher education, college students, and nonacademic college staff.) Second, the study is confined chronologically to the first six years (1971-1976) of faculty bargaining in the Pennsylvania state colleges.

Finally, the data collection techniques employed in this study introduce some other limitations. The most important of these is the problem of interview bias. An effort was made to minimize interview bias by promising anonymity to both the respondent and the individual institution and by employing a variety of experienced researchers, each sensitive to the problem of interview bias and each with a slightly different set of biases of their own—the assumption being that their combined biases would provide a more balanced view (Hildum and Brown, 1950, p. 108). In addition, whenever possible, documentary sources were employed to identify, confirm, and/or partially overcome some of the inherent biases of the interview data.

The authors have attempted to be as precise as possible about the bases on which they arrive at various observations and conclusions throughout the text. To the extent that the authors have been successful in this endeavor, the reader can decide for himself where he wishes to place any given statement along the continuum between "perception" and "fact."

APPENDIX B

INTERVIEW RESPONDENTS AT THE STATE COLLEGES¹

College A

President

Special Assistant to the President

Vice President for Academic Affairs

Vice President for Administration

Vice President for Student Life

Dean of Graduate Studies

Dean of Arts and Sciences

Dean of Business

Coordinator, College Planning Commission

APSCUF President

APSCUF Vice President

Members, APSCUF Executive Committee

Members, APSCUF Meet and Discuss Team

Assistant Chairperson, APSCUF Grievance Committee

Chairperson, Administrative Faculty Unit (Unit II)

Senate President

Chairperson, Department of Art

Chairperson, Department of Business Administration

Chairperson, Department of Communication Disorders

Chairperson, Department of Geography and Earth Science

Chairperson, Department of Secondary Education

Chairperson, Department of Special Education

College B

President

Vice President for Academic Affairs

Executive Dean

Associate Executive Dean for Admissions and Records

¹This list contains the titles of individuals who were interviewed at the four state colleges which the authors visited. A more general description of consultant visits to all fourteen campuses appears in Appendix A.

Dean of Students
Assistant Dean of Students
Dean of Science
Dean of Arts and Letters
Dean of Education
Director of Athletics
APSCUF President
Two Members of APSCUF Executive Committee
Chairperson, APSCUF Meet and Discuss Team
Former Chairperson, APSCUF Meet and Discuss Team
Chairperson, College Curriculum Committee
Member of College Curriculum Committee
Two Former Presidents, Faculty Association (Senate)
Professor of Biology
Associate Professor of Biology
Associate Professor of Education
Professor of Physical Education
President, AFSCME Local
President of the Student Body

College C

President
Vice President for Academic Affairs
Director of Research
President, APSCUF Local
Past President, APSCUF Local
Senate Chairperson
President, Student Government

College D

President
Assistant to the President
Dean, School of Arts and Sciences
President, APSCUF Local
Vice President, APSCUF Local
Chairperson, Faculty Senate
Vice Chairperson, Faculty Senate

Former Member, APSCUF Grievance Committee
President, Student Government

APPENDIX C

INTERVIEW RESPONDENTS IN THE STATE CAPITAL

Governor's Office

Budget Secretary and Staff¹

Supervising Analyst for Education, Budget Analysis Division, Office
of the Budget²

Director, Bureau of Labor Relations

Lieutenant Governor's Office

Lieutenant Governor

Department of Education

Secretary of Education

Deputy Secretary of Education

Executive Assistant for Public Affairs¹

Chief Negotiator, Second Faculty Contract

Chief of Labor Relations

Office of Higher Education

Deputy Commissioner of Higher Education¹

Associate Commissioner of Higher Education

Assistant Commissioner of Higher Education for Administrative
Management

Fiscal Specialist, Bureau of Administrative Management

Chief, Division of Four-Year Programs, Bureau of Academic Pro-
grams

Coordinator for State Colleges and Universities

Assistant Coordinator for State Colleges and Universities

Legislators

Chairman, Senate Education Committee

Chairman, Senate Labor and Industry Committee

¹ Designates group interview with higher education seminar, October 1975.

² Designates telephone interview.

Ranking Minority Member, Senate Education Committee
Chairman, House Labor Relations Committee
Ranking Minority Member, House Education Committee
Two Senators who were Members of the Joint Legislative Committee
to Review Act 195 (1973-1974)

Legislative Staff

Executive Director, Senate Majority Appropriations Committee
Executive Director, Senate Minority Appropriations Committee
Counsel to the Senate Labor and Industry Committee
Two Members, Majority Staff, Senate Education Committee
Executive Director, House Education Committee
Executive Director, House Minority Appropriations Committee
Counsel to the House Labor Relations Committee
Staff Analyst, House Majority Appropriations Committee
Former Staff Member, Joint Legislative Committee to Review Act
195 (1973-1974)

State Board of Education

Member of the Council of Higher Education¹
Secretary, State Board of Education

Board of State College and University Directors

Executive Secretary

Association of Pennsylvania State College and University Faculties

Executive Director

Pennsylvania Association of Colleges and Universities

Executive Director and Staff¹

Executive Secretary, Commission for State Colleges and Universities

APPENDIX D

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